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INSTITUTIONALISED OFFENDERS - A STUDY OF THE VICTORIAN
INSTITUTION AND ITS INMATES, WITH SPECIAL REFERENCE
TO LATE NINETEENTH CENTURY WARWICKSHIRE.

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Summary

This study is concerned with the nature and function of institutional confinement in late Victorian society. It consists of an analysis of incarceration at the local level, focusing on the county asylum and prison of Warwickshire, based on case-history and administrative records.

The first chapter sets prison and asylum detention within the broader pattern of confinement in Warwickshire, discussing whether a cohesive 'system' of incarceration existed. Next is examined the key role played by county magistrates in the provision of public and private institutions and their reluctance to follow national policy to the letter. A study of inmate labour demonstrates that the principle of self-sufficiency allowed local authorities to economise, with a mitigating influence on the ideologies of 'moral treatment' and penitentiary punishment.

The remaining chapters concern the inmates. Workhouse, prison and asylum entrants are compared with the source population of the County. Social isolation was a factor common to entrants to all three institutions, but asylum inmates included many who were far from destitute. The last two chapters extend the theme that asylums were not functioning as places for Victorian society to offload its deviant and 'marginal' members. Study of the mentally disordered offender and the mentally handicapped indicates that opposition to the extension of segregative control persisted both locally and nationally.

In conclusion it is argued that late Victorian institutions were less efficient at quarantining the deviant from the rest of society than previous studies have suggested. The conclusion also points out, however, that the fear of incarceration remained an important theme in the poor's relationship with the State, to which the experiences of institution inmates contributed. Further research into the role played by incarceration in this world-view, might avoid the pitfalls of an over-emphasis on 'social control', while acknowledging the inmate perspective.

TABLE OF CONTENTS

i

	<u>Page</u>
Table of Contents	i
List of Tables, Figures and Illustrations	iii
Acknowledgements	vi
Abbreviations	vii
Chapter One: Introduction	1
Chapter Two: The Pattern of Institutional Confinement in Victorian Warwickshire.	20
I	20
II Private and Public Penal Institutions.	21
III Public and Private in the Care of the Insane.	32
IV Institutional Forms of Care for the Sick and Physically Disabled.	42
V The 'Asylum' as an Inter-connected System.	46
Chapter Three: County Men - The Warwickshire County Magistracy And The Asylum Idea.	61
I	61
II The Social Composition of the Warwickshire County Magistracy and Degree of Activity in Local Government.	63
III County Men: The Administration and Provision of Public and Private Incarceration.	75
Chapter Four: The Provision of The Separate System and a County Asylum in Warwickshire.	89
I Resistance to the Provision of a New Prison on The Separate System.	89
II The Provision of a County Asylum.	109
III Conclusions.	114
Chapter Five: Therapy, Punishment and the Ideal of the Self-Sufficient Institution - The Case of Inmate Labour.	116
I	116
II Inmate Labour in Warwickshire's Local Prisons	119

TABLE OF CONTENTS. Continued.

(Ch. 5) III	Patient Labour in Warwickshire Lunatic Asylum.	137
IV	Prison and Asylum Labour: Treatment or Self-Sufficiency ?	154
Chapter Six: The Warwickshire Inmate Population after 1851:		
Social Profiles of the Inmates of Three Institutions.		
I		169
II	Asylum Inmates.	172
III	Inmates of Warwick Union Workhouse.	181
IV	Inmates of Warwick Prison.	185
V		188
VI		190
VII		205
VIII		209
(Chapter Six)	Note on Sources.	216
Chapter Seven:Segregating The Criminally Insane - The Case		
	Of Criminal Lunacy.	220
Chapter Eight: The Weakminded Inmate: a Suitable Case		
	For Special Treatment ?	254
I		254
II	The Perception of The Weakminded as Habitual Criminals in Need of Greater Control.	258
III	The Inquiry of 1881.	269
IV	The Care of the Weakminded at the Local Level.	280
V	Conclusions.	300
Chapter Nine: Inmates, the State and Social Historians -		
	Some Conclusions.	305
Bibliography.		324

LIST OF TABLES AND FIGURES

Page

Chapter Two

Figure 1 (a)	Public and Private Institutions in Warwickshire indicating changes in the pattern of provisions a) circa 1851, and b) 1881	41
Figure 1 (b)	Warwickshire institutions for the confinement of offenders, paupers and the insane - listed in chronological order.	41
Figure 2	Pathways of Late-Victorian Incarceration, 1861 .	47

Chapter Three

Figure 1	Socio-economic background of the Warwickshire Magistrates and their district of residence.	67
Figure 2	Degree of Activity of the Warwickshire Magistracy at Quarter Sessions 1850 and 1875.	69
Figure 3	Members of Committees of Private Institutions.	79

Chapter Four

Table 1	Social background of 58 Warwickshire justices voting in the gaol debates of January 1846, Jan. 1847 & July 1847.	97
Table 2	Activity rating of voters in the 1846-47 gaol debates.	97
Table 3	District of residence of voters in the gaol debates.	98
Table 4	Social background of Warwickshire justices voting in the gaol debates of Easter and July 1853.	106
Table 5	Analysis of voting behaviour of Warwickshire magistrates by district of residence, in the gaol debates of 1846-47 and 1853.	107

Chapter Five.

Appendix

Table 1	Types of employment and numbers employed at Warwick and Birmingham Gaols.	163
Table 2	Profit and value of various prison employments calculated per one prisoner employed daily for one year.	164
Table 3	The value of prisoners' labour in Warwick and Birmingham prisons and its contribution to the cost of the prisons.	165
Table 4	Inmate employment in asylums, a) Birmingham Borough Asylum, and b) Warwick County Asylum.	166

Chapter Five. (continued)Page

Figure 1 Extract from 26th Report of the Inspectors of Prisons, 1861, Birmingham Borough Gaol and House of Correction, showing how the prisoners had been employed during the year and the value of their work to the prison. 168

Figure 2 Warwick County Lunatic Asylum Report 1878: Garden and Farm Account. 168

Chapter Six.

Table 1 a) The number of persons enumerated as inmates of total institutions in 1851 and 1901, as a proportion of the total population, in England and Wales. 170

b) The number of persons enumerated as inmates of institutions in Warwickshire, as a proportion of the total population of the County. 170

Table 2 The sex of Warwickshire Asylum admissions compared to the general County population. 174

Table 3 Ages of lunatics admitted to Warwick Asylum 1852-83, as compared to the general county population. 174

Table 4 Asylum admissions 1861-62: from home, workhouse, prison or elsewhere. 177

Table 5 Regional origins of Warwickshire lunatics. 180

Table 6 Inmates entering the Warwick workhouse in the year April 1866 to March 1867 and from April 1870 to March 1871. 182

Table 7 Marital status of paupers in Warwick workhouse at the 1871 census. 184

Table 8 Age and sex of inmates of Warwick County Prison at the 1861 census. 186

Table 9 Marital status of Warwick County Prison Inmates , 1861. 187

Table 10 Regional origin of Warwick Prison inmates, 1861. 188

Table 11 Occupations of lunatics admitted 1861-62, compared to the County occupational structure at the 1861 census. 192

Table 12 All lunatic admissions 1861-62, classed by own occupation or husbands'/fathers' occupations, compared to the total number of occupied persons in the County. 193

Table 13 Occupations of male and female admissions to Warwick County Lunatic Asylum, 1852-81, exclusive of relapses. 193

Table 14 Occupations of new entrants to the Warwick Union workhouse, compared to the occupational structure of males and females in the general population of the Union, 1861. 207

Chapter Six (continued)Page

Table 15 Occupational background of prisoners committed to
Warwick Gaol, 1861-70.

208

Chapter Seven

Figure 1 Crimes of 146 criminal lunatics.

229

List of Illustrations - bound after page 168.

Warwick County Lunatic Asylum, 1852. (W.C.R.O. PH 71/1)

Plan of Warwick County Lunatic Asylum, showing Idiot Asylum,
farm, outbuildings etc. (circa 1890) (W.C.R.O. CR 1453/Box 14)

Warwick Prison - In the wood-chopping yard. (photograph circa 1906)

Warwick Prison - Exercise yard and garden. (photograph circa 1906)

Warwick Prison - A prisoner's cell. (photograph circa 1906)

All photographs of Warwick Prison - W.C.R.O. PH 143/1022
/1023
/1030

Nb. Decimal currency

From 1970 the currency of Great Britain was changed
from pounds, shillings and pence, to pounds and
pence only. This new decimal currency was based
on a value of 100 new pence to the pound, whereas
the old currency was based on a value of 240 pence
to the pound. A brief conversion table is given

below:	<u>old pence</u>	<u>new pence</u>
	£. s. d.	£. p.
	0 0 1	0. 0.42 (approx.)
	0 0 3	0. 1.26 (approx.)
	0 0 6	0. 2.5 (approx.)
	0 1. 0	0. 5.
	0 2. 0	0. 10.
	0 10. 0	0. 50.

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Declaration

Chapter Seven of this thesis 'Segregating the Criminally Insane', has previously appeared in a different version as my contribution to: V. Bailey (Ed.), Policing and Punishment in Nineteenth-Century Britain, published in 1981

LIST OF ABBREVIATIONSa) General

C.L.C.	Home Office Departmental Commission of Inquiry into Criminal Lunacy, 1881. PP 1882 (841) XXXII.
L.C.	Lunacy Commissioners
PP	Parliamentary Papers
P.R.O.	Public Record Office
QS	Quarter Sessions
WCLA	Warwick County Lunatic Asylum
WCRO	Warwick County Record Office

b) Bibliographical

B.M.J.	British Medical Journal
J.M.S.	Journal of Mental Science
J.S.H.	Journal of Social History
Proc. Roy. Soc. Med.	Proceedings of the Royal Society of Medicine
Trans. Nat. Ass. Prom. Soc. Sci.	Transactions of the National Association for the Promotion of Social Science.
V.C.H.	Victoria County History (of Warwickshire)

c) Case History Material

Access to the archives of the Warwick County Lunatic Asylum was conditional on preserving the anonymity of patients, so in the majority of instances a standardised system of coding case numbers was used:

(Criminal Lunatics) - numbers 001-146, 1001-1016.

(Ordinary Admissions 1861-62) - numbers 01-196.

Cases from outside these samples have kept their own case-numbers.

CHAPTER ONE: INTRODUCTION

I

By the middle of the nineteenth century, incarcerating deviant and socially dependent people in total institutions purporting to cure, contain, punish or reform had become an accepted part of English society. Without fear of arousing controversy, the section of the 1851 Census which dealt with the institutional population began with a note of pride:

One of the most unerring tests of the civilisation of a state is to be found in its public institutions... a stranger arriving in a country where the most conspicuous objects consisted of edifices for religious worship, schools and colleges for the education of the young, almshouses and asylums for the aged or the helpless, workhouses for the poor, hospitals for the sick, barracks for the soldiery and prisons for the custody of offenders, would be at no loss in coming to the conclusion that he was in the midst of a highly civilised and enlightened community. ¹.

This statement was much more than an attempt to group together a miscellaneous collection of abnormal living arrangements. It reflected the sense of achievement which many Victorians felt at the results of over half a century of 'reform' in which traditional and locally directed methods of dealing with deviance had been dramatically transformed and in which the role of the state had become central. The major outlines of change are well-known. Imprisonment had replaced execution and transportation as the major method of punishment for both serious and petty offences. The squalor, neglect and disorder of eighteenth-century prisons and houses of correction had given way to the discipline of the penitentiary, while a Home Office inspectorate, committed to the separate system, had succeeded in bringing about its almost universal adoption by the

1. Census, Great Britain, 1851, General Report, Section VI, Public Institutions, p. cxv.

time the system was made compulsory in 1865.² In the field of poor relief the New Poor Law of 1834 had imposed a bureaucratic and centralised administration on the local authorities in an attempt to stamp out the widespread and varied methods of outdoor relief which had intensified during the eighteenth century. The workhouse, previously an institution used in a limited way in cases of last resort, was elevated to a central role, in which relief was only to be offered within the House. The intention of the Act was that the new workhouses, in which conditions should be geared to subsistence only and the discipline should be rigid, would deter all but the most incorrigible or destitute pauper from applying for relief.³ The period witnessed also the rise of a new institution, the county asylum for the pauper insane. Eighteenth-century care of the mentally ill had been largely left to the family or community or farmed-out by them to the proprietors of private madhouses. Conditions of care, especially in the case of the pauper insane were generally appalling, emphasising confinement and restraint rather than the well-being and care of the lunatic. By 1850 a succession of Lunacy Acts and Asylum Acts had established a central inspectorate of Lunacy Commissioners, compelled local authorities to provide county asylums to house insane paupers and imposed a legal obligation on the Poor Law guardians to seek out the insane and ensure they were provided for.⁴ This was all achieved under the inspiration of the new ideology of 'moral treatment'. Based on a policy of non-restraint, moral treatment was designed to restore

2. M. Ignatieff, A Just Measure of Pain. (1978) ch.4; S & B Webb, English Prisons under Local Government. (1922), 1963 edition pp.89-156

3. S & B Webb, English Poor Law History Part 2, vol.1 (1929) 1963 edition, pp. 1-104

4. K. Jones, A History of the Mental Health Services (1972); W. Parry-Jones The Trade in Lunacy (1972).

the patient to sanity by imposing on the mind the steadying influence of a well-ordered institution and regular occupation.⁵

In recent years explaining these changes and charting their development has become a major field of social history. The traditional interpretation of the rise of the asylum, prison, workhouse and other institutions was based on the Whiggish theory of progress, in which reformers are portrayed as humanitarian heroes and State involvement as the triumph of reform. Such interpretations rested heavily on an acceptance of the reformers' own arguments at face value. Thus the defects of existing institutions and poor relief were exposed by people such as John Howard, Edwin Chadwick and Lord Shaftesbury. These reformers then effectively mobilised public and parliamentary opinion to bring about change according to the rational and humanitarian principles of modern treatment models such as those provided by Bentham's panopticon and Tuke's practical experiment at the Retreat. In this 'reformist' analysis the history of institutions in the later nineteenth century becomes one of unintended consequences in which circumstances conspired to produce the failure of institutions to live up to their promise and a resulting decline into custodialism.⁶ While acknowledging that the processes of reform in the different areas of the Poor Law, lunacy and penal policy were linked, the reformist interpretations remained for the most part firmly fixed within their particular branches of administrative history.⁷

5. S. Tuke, Description of the Retreat (York, 1813)

6. K. Jones, (1972) *op cit.* is one of the more recent works in the reformist school.

7. G. Grob, 'Rediscovering Asylums: The unhistorical history of the mental hospital,' Hastings Center Report vol. 7 (4) (New York, 1977) pp. 39-40

Over the past two decades this version of reform has drawn an increasing amount of criticism from social historians dissatisfied with interpretations that took little account of conflict between groups in society. Contemporary criticism of the institution as a solution to social deviancy led historians to re-examine the origins of modern systems. Following Goffman's work on the nature of total institutions, historians have come to see that one central feature of the reforms of the late eighteenth and early nineteenth centuries was a reliance on the 'total institution' as a means of altering 'deviant' behaviour.⁸

This new perspective has demonstrated the similarities between the ways in which institutional life was designed to bring about the reform or cure of the inmate. Under the separate system the prisoner was segregated from all aspects of his former life, and encouraged to reflect on his offence by the chaplain. Isolation and hard labour were to provide the means by which the offender would admit to himself his guilt and repent of his criminal life.⁹ In the workhouse paupers would learn the habits of work while great optimism was placed in the effects of the workhouse schools for the children of paupers.¹⁰ 'Moral treatment' for the insane was also based on the segregation of the lunatic from the outside influences of his former life, of family and responsibilities, in order to allow him to exercise the power of individual will over his derangement.

8. E. Goffman, Asylums: essays on the social situation of mental patients and other inmates. (1968)

9. M. Ignatieff, (1978) op cit.pp.96-113.

10. D. Roberts, 'Dealing with the Poor in Victorian England', in 'Humanitarianism or Control: a symposium on aspects of nineteenth-century social reform in Britain and America', M. J. Wiener (ed.), Rice University Studies, vol. 67 no.1 Winter 1981pp.65-66.

Habits of occupation and regular routines would help the mind to re-establish its equilibrium, over the impulses and deranged ideas which had gained control. Conversations with the doctors were held to be of central importance in encouraging the lunatic to exert self-control and suppress his delusions so as to regain social acceptance.¹¹ The uniforms, disciplined labour and religious exhortation of the workhouse, asylum and penitentiary also served as the model for a multitude of institutional forms adopted by private philanthropy; refuges for prostitutes, hostels for female servants, homes for the blind, deaf, orphaned, terminally ill, physically disabled and mentally handicapped. Certain elements too were carried over into the hospitals provided by voluntary efforts and the schools provided by the 1870 Act. The new approach recognises, moreover, that the rise of the institution was a cross-cultural phenomenon, taking place over a broadly similar time period in England, America and Europe.¹² The simple question posed by the 'revisionist' historians was why should the total institution have been chosen as the key to the treatment of deviance?

Despite many differences of emphasis most of the answers to this question have centred around the concept of social control, the principle that an underlying function of most social institutions and activities is the maintenance of order in a society composed of conflicting interests.¹³ A key figure is the French writer

11. S. Tuke, (1813) op cit.

12. M.J. Wiener (Ed.), 'Humanitarianism or Control' (1981) op cit. p.3; A. Scull, 'Madness and Segregative Control: the Rise of the Insane Asylum', Social Problems, 24, 1977 pp.337-8

13. For a useful discussion of the evolution of the concept of social control, see D. Rothman, 'Social Control: The uses and abuses of the concept in the history of incarceration', in M.J. Wiener (Ed.), 'Humanitarianism or Control' (1981) op cit. and see also, M.J. Wiener, 'Social Control in nineteenth century Britain' J. Social History, 12, (1978-79) pp.314-321; A.P. Donajkowski (Ed.), Social Control in nineteenth-century Britain (1977) pp. 9-26.

Michel Foucault, who has sought to link the development of the institution to the growth of capitalism. Thus for Foucault the changes which took place in the treatment of deviance were part of a long process in which the influence of a Weberian spirit of rationality led to an abandonment of barbaric punishments, ritual exclusion and dehumanised treatment of the criminal, pauper and insane in favour of a perception in which the deviant was an individual susceptible to change. The institution offered a means of continuing the exclusion of the deviant while at the same time an arena in which to impose new disciplines which were tools for imposing the rule of rationality and reason on those who most violated it.¹⁴ Although most historians find Foucault's use of sources and explanation too wide-ranging and imprecise to account for either the timing of the changes or the subsequent history of the institution in the later nineteenth century, his writings continue to inform the debate.¹⁵

Rothman's study of the rise of the total institution in Jacksonian America represents a more specific attempt to locate the rise of the institution within the social context in which it occurred. Through a broad focus on the insane asylum, the prison and the almshouse Rothman argues that the Asylum was adopted by Jacksonian

14. M. Foucault, Madness and Civilisation: A history of Insanity in the Age of Reason (1967); The Birth of the Clinic (1973); Discipline and Punish; the birth of the prison (1977).

15. D. Rothman, 'Social Control', in M.J. Wiener, (Ed.) 1981 op cit. See for example Ignatieff's recent treatment of Foucault's ideas as they relate to his own in 'State, Civil Society and Total Institutions, a critique of recent social histories of punishment.' in M. Tomry & N. Morris (Eds), Crime and Justice; an Annual Review of Research. vol. 3 1981.

society because it offered a means of recreating within the walls of the institution the ideals of a well-ordered community which seemed to be under threat from the onslaught of urbanisation, industrialisation and new intellectual developments. By the power of example the asylum would reintroduce order and stability into the wider society as well as to the lives of the inmates.¹⁶ It is, however, the very culture-specific nature of Rothman's approach which has brought forth most criticism. Scull's study of the rise of lunatic asylums for the pauper insane in Britain and Ignatieff's treatment of the rise of the penitentiary both demonstrate that the anxiety of Jacksonian society could not account for a parallel discovery of the asylum in Britain. They also stress that the industrial and urban changes cited by Rothman as sources of anxiety were scarcely well-enough developed in the late eighteenth and early nineteenth centuries in either society, to account for the timing of the fascination with the total institution. Although Ignatieff's work is more heavily influenced by the writings of Foucault, both Ignatieff and Scull have tied the adoption of the institution to the growth of the capitalist market economy. The rise of a system of wage labour required a clearly defined and disciplined workforce. The workhouse of the New Poor Law thus separated the idle able-bodied from the deserving poor, and encouraged a move towards greater classification among the indoor poor; the insane being one major group to be removed into a specialised institution. The penitentiary similarly served to separate the dishonest from the industrious, and rehabilitate the former through new disciplinary routines and religious exhortation. The new institutions

16. D. Rothman, The Discovery of the Asylum (Boston 1971), pp. xviii-xix, 57-59, 285.

represented, in these analyses, an attempt to restore social stability in the inherently unstable conditions of a market economy.¹⁷

Each of these interpretations in the 'revisionist' school focussed on the 'social control' function of the institution, allowing the writers to break free of the traditional version which saw all change as progress and 'reform'. It is now becoming clear, however, that an analytical framework based on social control has a number of defects. It has been suggested that as a theory social control is as untestable as the reformist interpretation which it criticises. Whig history accepted the reformers' own interpretations of their concerns as humanitarian; the revisionists fell into the error of disregarding the reformers' rhetoric as 'self-serving rationalisation' of action which had its source in less altruistic concerns.¹⁸ As Rothman has pointed out, the idea of 'social control' has a functionalist perspective, in which all change can be explained in terms of maintaining stability and continuity of a particular distribution of power in society. Thus Foucault has been cited as the chief offender in this use of social control as 'a vague and sweeping model, virtually timeless and placeless, that explains everything in general and nothing in particular'.¹⁹ The theory has, therefore, tended to create a polarity of interpretation of the actions and intentions of reformers. Questions such as 'humanitarianism or control?' have imposed unrealistic definitions on the process of reform and encouraged ahistorical judgements about the outcomes of the adoption of the institution.²⁰

17. A. Scull, Museums of Madness. (1979)
M. Ignatieff, (1978) op cit pp214-215

18. G. Grob, (1977) op cit pp35-40

19. M.J. Wiener (Ed.),
'Humanitarianism or Control', (1981) op cit. p.2; and see

D. Rothman's paper in the same work, op. cit.
20. M.J. Wiener, *ibid.* p 4.

Recent studies have shown that the shift from customary methods of control to the institution was less clear-cut than the social control perspective suggested. A more complex picture is being revealed in which the reformers' schemes are shown to have been ideal types, exemplified only for a few years in a handful of atypical institutions and mitigated in the hands of the local authorities until they bore little resemblance to the master plan of social control.²¹ Recently the revisionist school itself seems to be engaged in a process of self-criticism, advocating that historians re-examine the ideas and intentions of reformers within their own context and without seeking to impose modern categories of 'reformist' or 'social control conspirator' on their activities; that renewed efforts be made to link the institution with structural socioeconomic factors and that these efforts must take into consideration the complexity of patterns which existed.²²

II

Despite the thrust of the more recent studies in opening up the field there are still large lacunae in our knowledge about the treatment of deviance in the nineteenth century. Although essentially concerned to explain the rise of the total institution, the revisionist studies have tended to concentrate, like the earlier accounts, on

-
21. e.g. M. DeLacy, 'Grinding men Good', Lancashire's Prisons at mid-century', in V. Bailey (ed), Policing and Punishment in nineteenth-century Britain (1981) pp.182-216; J. Walton, 'Lunacy in the Industrial Revolution : a study of asylum admissions in Lancashire 1845-50', J.S.H., vol. 13 1979; idem, 'The treatment of Pauper Lunatics in Victorian England: The case of Lancaster Asylum 1816-70', in A. Scull (ed.), Madhouses, Mad-doctors and Madmen. (1981) . The work on the Poor Law in this area is summarized in D. Roberts, 'Dealing with the Poor in Victorian England', in M.J. Wiener (Ed.), 'Humanitarianism or Control' (1981) op cit.
 22. The article by Ignatieff and the symposium 'Humanitarianism or Control' edited by Wiener, both 1981 and op cit. are the most recent examples of this process of self-criticism.

the perspective of the reformers and controllers of the institutions, to the neglect of the perspective of the controlled, the inmates, and the nature of institutional life. Ignatieff's work on the prisoners of the new penitentiaries is a major exception to this trend. By and large, however, the inmate perspective has only scantily been drawn and little use made of the wealth of information about the Victorian poor and deviant which is contained in institutional archives.²³ Recent studies are also more closely linked to concrete examples of what happened in the case of a particular institution rather than examining the changes at the level of national debate and the professional bodies or government departments. There is still much work to be done in the form of local studies before the fragmented picture can become a clearer one.²⁴

One recent criticism has been of the myopic concentration of study on the public institutions. Tyor and Zainaldin suggest that the field should be broadened to take in the many varieties of total institutional forms that were adopted in private philanthropy's attempts to deal with specific social problems.²⁵ Such privately-funded ventures may demonstrate very different patterns of development to publicly-funded ones, and may not be susceptible to the same kinds of explanation.²⁶ From this standpoint Tyor and

23. M. Ignatieff, (1978) op cit., Chapter One and references to prison protest. A more recent exception is M. Finnane's study of Irish Asylums, Insanity and the Insane in Post Famine Ireland (1981). See also; R. Fox: So Far Disordered in Mind: Insanity in California 1870-1930 (1978) and F. Finnegan's study of records of female penitentiaries in York: Poverty and Prostitution. (1979)

24. An extreme example of this specific case-study approach is P. Tyor and J. Zainaldin, 'Asylum and Society: an approach to institutional change', J.S.H. Fall 1979, vol.13 no.1

25. ibid. pp.25, 39-42.

26. D. Roberts, 'Dealing with the Poor in Victorian England', in M.J. Wiener (Ed.) (1981) op cit. calls attention to this side of Victorian attempts to deal with deviance.

Zainaldin have also challenged the notion of an 'asylum system' as having any validity in grouping together the widely differing types of institution which they claim developed at different points in time and along separate lines.²⁷ The local elites who supervised and helped shape the outcome of the 'discovery of the asylum' have also been but poorly dealt with by the revisionist approach. A handful of key figures such as G. O. Paul, the Gloucestershire magistrate who played a key role in experimentation with early institutional forms and had some direct influence on later policy, have been given extensive treatment, but there is also a need to assess the motives and involvement of a large number of lesser figures who played their part on county benches, as visiting justices of prisons, asylums and reformatories and as ex-officio guardians, not to mention the tradesmen and farmers who administered the New Poor Law as Guardians.²⁸ Yet, as social historians scatter to investigate selected institutions and public persons in the localities, it is nevertheless important to remember that the adoption of institutional forms of dealing with deviancy and dependency did constitute a major break with the methods in use a century earlier, and contemporary observers knew this required explanation. There is a need to keep a sense of the similarities between the prison, asylum and workhouse although future study may well demonstrate the complexity of the picture as a whole.²⁹

27. P. Tyor and J. Zainaldin, 'Asylum and Society' (1979) op cit. pp. 25, 39-42

28. A. Scull, (1979) op. cit. pp 56, 59, 62, 65
M. Ignatieff, (1978) op. cit. pp 98-101

29. This point is made by Ignatieff in 'State, Civil Society and Total Institutions', (1981) op cit. p. 164

The revisionist contribution has mainly focussed, as did the traditional accounts, on the era of the adoption of the institution. The greater part of the work of Rothman, Scull and Ignatieff for example is concerned with the period before 1850. This pre-occupation with explaining the rise of the asylum has led to the relative neglect of specific analysis of the role of the institution in the later part of the nineteenth century, beyond the traditional account of how institutions drifted into a function of custodial containment of deviants and away from early illusions of the reform and cure of the inmates. While the reformist viewpoint could only see this sad decline as the result of unintended consequences, the revisionist approach draws some of its support from this very same account of late-nineteenth century treatments. Indeed part of Scull's analysis turns on his assessment that the mental asylum became a 'custodial warehouse' for mentally ill paupers because custodial control was inherent in the ideal of the asylum from its earliest years.³⁰

Michael Ignatieff describes how solitude in the penitentiary was retained as an instrument of terror once faith in its reformatory potential had faded and Rothman also concludes that the appeal of the Asylum on social control grounds accounts for its enduring beyond the Jacksonian era.³¹ Recent critics of the revisionist approach have similarly drawn support from the later outcome of reform. Grob, for example, has suggested that the inmates of American mental hospitals in no way met the criteria of being threats to social order which the social control account would have as the

30. A. Scull, 'Madness & Segregative Control', (1977) op cit. p 347.

31. M. Ignatieff, (1978) op cit. p.210; D. Rothman, (1971) op cit., Chapters 10 & 11

chief reason for their incarceration. The data on which this assessment is based, however, is drawn from a much later period. The committal of aged persons to asylums in the early twentieth century, in Grob's example, cannot be interpreted either as an intention to cure them or as a perception of them as a threat to social stability.³² This eclipsing of time scale tells us little about the rôle of the institution in the period after 1850.

III

There is a need to test some of these assumptions about the late-Victorian use of the institution, by the study of concrete examples, rather than an assessment based solely on the accounts of contemporary observers. The present study is thus concerned with the nature and function of incarceration in Victorian society. How did Victorian institutions operate? What kinds of people were sent to them? What factors influenced the defining of a person as deviant and consigning him or her to life under a particular type of institutional regime? These questions are examined in the light of incarceration at the local level in one county - Warwickshire - and with focus on one institution - its county lunatic asylum. Warwickshire's county asylum was opened in 1852, following the Lunacy Act of 1845 which made asylum provision for the pauper insane a compulsory duty of county and borough authorities. It was the only public asylum for the county throughout the whole of the second half of the century and thus the picture of the public care of the pauper insane in Warwickshire is not complicated by the presence of a public institution prior to the Act, nor by the subsequent opening of additional

32. G. Grob, 'Rediscovering Asylums' (1977) op cit. p. 37

public asylums, as was the case in some of the more heavily populated parts of the country.³³ Its archives consist of a nearly complete set of administrative records, patients' registers, orders for admission, case-histories and annual reports of the superintendent. It is the most complete institutional archive in the county and as such forms the basis for a major part of the research.

The study is not concerned, however, simply with the treatment of insanity, but attempts to address broader questions about incarceration in general. Thus whenever possible the asylum sources were supplemented by the records of other public institutions in the county, particularly those of the county prison, and in a much more limited sense, the workhouses and juvenile reformatories. In some respects prisons and lunatic asylums were at opposite ends of the continuum of incarcerative institutions. The punishment and deterrence of crime were always central concerns of the penal system, while enlightened attitudes towards lunacy had the avowed aim of cure or humane care of the insane. The similarity, however, between the individualised repentance of prisoners under the separate system and the reassertion of the lunatic's will over his unreason achieved through moral treatment, has been central to the revisionist account of the history of the two institutions.³⁴ Thus a comparative treatment of the late Victorian asylum and prison should be a fruitful one.

33. e.g. in Lancashire the study of pauper asylums is confused by the presence of a large private asylum taking paupers at the same time as the county asylum, which itself had a long history dating from 1816, before the widespread implementation of moral treatment, cf. J. Walton, op.cit. (1979) & (1981); Birmingham Borough was forced to open a second asylum on the outskirts of the urban area in the 1880's, which took patients out of the parent asylum as well as new admissions.

34. M. Ignatieff, (1978) op cit. p.213 & p.70

Some of the records of the Warwick County Gaol and the New Prison which was opened in 1861 have not survived, but a complete run of Visiting Justices' Reports supplemented by quarter sessions minutes at the County Record Office, together with evidence from Parliamentary papers supplied most of the information that was needed. An equally detailed study of the juvenile reformatories and workhouses in the county was felt to be outside the scope of this work, but the reports of the reformatories at Tile Hill and Weston-under-Wetherley which had survived were consulted as well as Guardians' Minutes of the Warwick Union for selected years, which allowed some basic comparisons to be drawn, concerning inmates and the organisation of institutional life.

While it is true that no county or region in Victorian Britain can be described as typical, late nineteenth-century Warwickshire was an area of mixed socio-economic structure. It included the urban centre of Coventry, with a hinterland to the north composed of the mining and textile communities of the North Warwickshire coalfield. The rest of the county was predominantly rural, with small-scale manufacturing centred on the market towns, such as the county town of Warwick and nearby Leamington Spa, and in the cottage industries of the Stour valley in the south-west of the county. The county as a whole, however, was influenced by its proximity to the city of Birmingham, whose administrative inclusion inside the county was only ended in 1838.³⁵

The chapter which follows examines the pattern of institutional provision in the county to discover any common lines of development

35. Victoria County History of Warwickshire vol.7, pp. 327-9

between the public and the private sector and between different types of institution. Concentrating in some detail on the central region of the county, around the administrative centre of Warwick where the major public institutions were to be found, the discussion demonstrates how these institutions did represent a 'system' insofar as staff could move with relative ease from one institutional position to another. Inmates also had the dubious privilege of mobility between institutional regimes. In Chapters three and four, the examination is extended in an assessment of the involvement of the county magistracy with both public duty and private philanthropy in establishing and running institutions.

Chapter three assesses the social background of the Warwickshire magistrates and the role played by active members of the bench in shaping the pattern of incarceration in the county. Warwickshire was one among many counties which waited until compulsory legislation in 1845 before providing a county asylum, while there was particular resistance to the introduction of the separate system over which a long battle was fought at Quarter Sessions. Chapter four discusses the sources of the Warwickshire bench's response to Government pressure to provide an asylum for the insane and a new prison on the separate system.

Some of the administrative objectives of the county magistrates had a direct effect on how county institutions were organised and were reflected in the institutional regime itself. The central issue discussed in Chapter five is the internal organisation of late Victorian institutions. A characteristic of institutional life stressed by most writers as a key factor linking different institutional regimes was the centrality of the daily work routine. Work-

houses, asylums and prisons all relied on a theoretically-justified regime of labour to structure the daily lives of inmates. In Chapter five the issue of inmate labour is used as the basis for a comparative analysis of the internal operations of Victorian institutions. Inside the prison, labour had a number of purposes: deterrence, rehabilitation and the repayment of a debt owed to society. In the asylum work was a well-recognised part of moral treatment, and the Lunacy Commissioners continually campaigned for its fullest application to the patients. A comparison of how inmate labour evolved over the course of the latter half of the century in Warwickshire's prison and asylum illuminates how mixed was the effect of ideology on actual institutional life, mitigated by the county magistrates whose concern was as much with cost as with the aims of the institutional ideologies.

The last three chapters of the thesis focus on the inmates of the Victorian institution. Writers now generally agree that 'until we know more about who were admitted, when and what became of them, it is impossible to generalize about the social functions of the asylum' ³⁶

The annual statistics of the county prison and asylum, together with the case-histories of patients admitted to the asylum in the years 1861 and 1862 and the indoor relief lists of the Warwick Union workhouse, which survive for the late 1860's and early 1870's, provided the sources for establishing the socioeconomic profiles of inmates of these institutions. Chapter six is concerned firstly with describing these inmate profiles and secondly with an investigation of what kinds of people were most prone to enter institutions, and whether there were major differences between the three inmate groups. The evidence suggests that although there were some differences between the inmate populations, there was also considerable overlap. Moreover,

36..P.Tyor & J.Zainaldin, 'Asylum and Society' (1979) op cit. p.42

there was relatively little change in the basic profiles in the period studied. These conclusions are surprising, since the literature of the period suggests that Victorian experts and administrators of institutions were engaged in a process of refining the categories of the insane, the criminal and the pauper, partially as a result of studying inmates. Scull has suggested that a process of differentiation of the different sorts of deviance, and the subsequent consignment of each variety to the ministrations of experts in specialised institutions was an important corollary of the system of controlling deviance that evolved in the nineteenth century.³⁷

To investigate further how far differentiation between groups was occurring in practice, particular study was made of two inmate groups that seemed to span all three public institutions; the mentally disordered offender and the mentally handicapped. These two categories are of especial interest in the light of the social control debate, because both were increasingly perceived as dangerous and how to deal with them was the subject of much debate at the national level. The central question discussed in Chapters seven and eight is how this national debate about the segregation and control of the mentally handicapped and the disordered offender, was reflected at the level of local practise. In the case of the mentally disordered offender, or criminal lunatic, segregation from other inmates and better control was demanded by asylum and prison doctors, but remained elusive. The mentally handicapped were the subject of growing concern during the last quarter of the century. During the 1870's both a private and a public Idiot Asylum were opened in Warwickshire, the latter as part of the county lunatic asylum. Nationally the debate centred on the need for greater control of mentally handicapped people, and their

³⁷.A.Scull, (1977) op cit., p.337

removal from prisons, workhouses and asylums to more specialised institutions. Chapter eight discusses the impact of Warwickshire's two institutions on the care of the mentally handicapped locally and assesses why national demands for segregation were largely unsuccessful before the beginning of the twentieth century.

IV

During the last two decades, welfare and penal institutions have been shown to have been far more complex in their development than traditional accounts had suggested. Current trends in the historiography of the subject indicate that further nuances in the patterns of deviance treatment and control will be unearthed as the investigation diversifies into study of specific localities and institutions. To some extent the present work follows in that vein. It is also hoped, however, that through a broad focus on several types of institution in one administrative district, the study will contribute to a reintegration of the differing sectors of treatment and control, thus avoiding the danger of extrapolating from a single example to the 'asylum system' in general. By focussing on the local elites who were responsible for the administration of a variety of establishments and adjudication systems, and on the institutionalised themselves, the study aims to uncover some of the ways in which incarceration was perceived by the people in most personal contact with it.

CHAPTER TWO: THE PATTERN OF INSTITUTIONAL CONFINEMENT IN VICTORIAN WARWICKSHIRE

I

The purpose of this Chapter is to set the development of prison and asylum incarceration in Warwickshire within the wider pattern of institutional care in the county during the nineteenth century. The study focuses on institutions designed to house persons considered to be criminal, deviant, or in need of shelter and protection because of their physical or mental incapacity to survive at large.¹ Hospitals for the sick and educational establishments have been generally excluded from detailed analysis. Two key developments in the pattern of institutional provision can be demonstrated; private funding and control tended to give way to the public sector and institutional provisions in the public sector became more specialised. An additional focus of this and the following Chapter is how far the various institutions in one locality were interconnected with each other to form an 'asylum system'. In the decade since Rothman's pioneering work 'The Discovery of the Asylum', it has become common for both historians and sociologists to use 'the Asylum' as a blanket term referring to the whole range of institutional solutions to deviancy and dependency. This image of institutions being all part of one 'asylum system' has been criticised for ignoring the differences between institutions and for neglecting the institutions provided through private philanthropy.² In this Chapter differences between

1. Broadly these correspond to the first three of Goffman's categorisations of total institutions:

- i] those for persons incapable and harmless - the blind, the aged, the indigent.
- ii] those for persons incapable and a threat to the community - including the mentally ill, lepers and T.B. sufferers.
- iii] to protect the community against persons posing intentional dangers - e.g., criminal offenders.

E. Goffman, Asylums. (1968) op cit. p.16

2. The most cogent criticism of this 'asylum' mentality is contained in Tyor and Zainaldin's paper: 'Asylum and Society: an approach to Institutional Change' (1979) op cit. pp.25-26. 41-42.

public and private institutions are examined with reference to a range of institutions in Warwickshire. It is also intended that the discussion should provide a background for the more specific questions examined in later chapters. What follows is, therefore, based on an assessment of the chronological development of specific county institutions for punishment, and the care of the insane and the handicapped. [See Fig. I].

II

PRIVATE AND PUBLIC PENAL INSTITUTIONS:

The Prisons

The institutions with the longest pedigree in the county were the penal ones. Coventry had a small prison from at least the fourteenth century and by the 1600's both Coventry and Warwick had a gaol and a bridewell, or house of correction.³ By the mid-eighteenth century substantial buildings existed and in 1777 John Howard gave bad reports on the establishments of both towns. These show that the gaols were typical of eighteenth-century prisons, with little separation of categories of offenders, little discipline, and offensive, unhealthy conditions.⁴ Following Howard's condemnation, the Warwick prisons were considerably reconstructed between 1779 and 1798 at a cost of over £21,000, but the Coventry gaols were still in a poor state when Neild reported on them in 1812.⁵ For the first half of the nineteenth century, the Coventry magistrates doggedly resisted pressure from national Government to deprive Coventry of its gaol and create a centralised county prison at Warwick. A certain amount of prestige

3. Victoria County History of Warwickshire (hereafter V.C.H.)(1969) vol.8

4. ibid.; J. Howard, The State of the Prisons (1777) pp.269-275. pp.276,296, 450.

5. J. Neild, State of the Prisons (1812) pp.147-149, 572.

pertained to a town where assizes and quarter sessions were held and many of the smaller local gaols were persistently retained, despite the cost to local authorities, simply to hold on to the status of an assize town.⁶ An offer by Peel to insert a clause in the 1823 Gaol Act allowing prisoners from Coventry to be tried and imprisoned at Warwick was thus rejected by the Coventry magistrates, and the old gaol and bridewell were eventually rebuilt in 1831. In conformity with the Act the new gaol had nine separate yards and eight day-rooms and cost over £16,000. The ratepayers of the 'county of the city', or the northern part of the county, had to meet this expense by an increase in their rates, from fivepence in the pound to a shilling, and this was to be the source of much resentment when it was proposed only ten years later to build a new county prison run on the separate system.⁷ In 1842 the county of the city was amalgamated with the county of Warwickshire and the management of the gaols placed under the control of the county magistrates. The city was allowed a separate commission of the peace and an adjourned Quarter Sessions and Assizes were to be held in Coventry, besides those held at Warwick, but the parishes forming the old county of the city were still to be levied separately for the completion of the Coventry gaol, and would also have had to pay rates for any new building at Warwick, along with the ratepayers in the south of the county. When the separate Assizes at Coventry were withdrawn in 1854, resentment at the treatment of the Coventry Justices and ratepayers reached its peak. This essentially local squabble had a major effect on the implementation of national penal policy in the county.⁸ This is discussed more

6. R. J. Olney, Rural Society and County Government in Nineteenth Century Lincolnshire (1979), pp.104-107.

7. V.C.H., vol. 8 pp.296-297

8. V.C.H., vol. 8 p.273

fully in Chapter four. It suffices to say here that a new prison designed for the separate system was only opened at Warwick in 1861, and it was not until then that the eighteenth-century gaols and houses of correction at Warwick and Coventry were finally abandoned. This contrasts well with nearby Birmingham where a new panopticon-style prison was opened in 1849, to which were transferred all the Birmingham prisoners in the old Warwick gaol.

The Juvenile Reformatory

Although the separate system was late to be fully instituted in Warwickshire, the county was 'progressive' in its treatment of juvenile offenders. In 1818, a small group of magistrates, concerned at the mixing of juveniles and adult offenders in prison, founded a small juvenile reformatory near Rugby at Stretton-on-Dunsmore. It was the first institution of its kind in England and the stated aim of the magistrates who established it was to prevent the sending of young offenders to prison. Boys sent to the reformatory were employed doing mainly agricultural labour and subjected to a rigid disciplined regime, which was not approximated to in the county prisons until at least the 1840's. The 'Warwick County Asylum', as it was called, relied on public subscription and donations for its funding. The committee of magistrates who ran it were acting in a private capacity, but they submitted an annual report to Quarter Sessions. From its earliest years, the institution appears to have been well-used by the Warwickshire Justices and after its establishment relatively few boys under 16 were detained for long periods in the prisons of the county, although they always had to pass through a prison before being removed to the reformatory. The Stretton institution was apparently successful in reducing juvenile crime in the county, and a number of Warwickshire magistrates

played an active part in the reformatory movement. In 1847, for example, Sir John Eardley-Wilmot who had been instrumental in setting up the reformatory, was involved in passing the Summary Jurisdiction Act through Parliament, which allowed juveniles under 14 to be tried at petty sessions.⁹

The increased facility the Act provided to magistrates, for sending juveniles to the reformatory, prompted a major change in the organisation of the institution. The Stretton asylum could exist with private funding so long as it remained small, but if the justices were to make full use of the provisions of the 1847 Act, then considerable enlargement of the establishment was necessary. At the midsummer sessions of 1847 the Committee of Management of the reformatory decided that it would apply to the Government for financial assistance and confer with the magistrates of other counties on the subject of extending reformatory provision. By October, the Committee had concluded that if reformatory provision was to meet the needs of the county, no less than an Act of Parliament was required to enable counties to levy compulsory payments to provide for the reformation of juvenile offenders.¹⁰ Largely through the efforts of Charles Adderley, a Warwickshire magistrate who was involved with the reformatory movement elsewhere, this move eventually culminated in 1854 in the passage of the Youthful Offenders Act.

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9. A study of this institution and its subsequent development into the Weston Juvenile Reformatory is contained in an unpublished undergraduate dissertation by T. Rollins, 'The Introduction and Administration of Reformatory Schools in Warwickshire', B.A. Diss. (Law Dept. 1978, Warwick) in Warwick County Record Office, (WCRO); Reports of Visiting Committee of Warwickshire Reformatories to Quarter Sessions. (WCRO QS2/2)
 10. Visiting Committee of Warwickshire Reformatories, Report to Quarter Sessions, October 1847

The Act authorised the setting-up of reformatories under voluntary management, with the power given to justices to compel parents to contribute to their children's maintenance, in addition to a contribution from the Treasury. Amendment in 1855, 1856 and 1857 enabled local authorities to contribute directly out of the rates to the construction of a reformatory and to the aftercare of the inmates. The institutions were to be licensed and inspected annually by a Government inspector.¹¹

The result of these Acts locally was that the Warwickshire bench was able to open a new reformatory at Weston-under-Wetherley in 1856, when the old asylum was closed and the boys transferred to Weston. There were some continuities with the old institution, however. Some committee members remained the same; the Chairman of Quarter Sessions, William Dickins and a clerical magistrate, the Reverend Pilkington, were members of the Stretton Committee in 1853 and the first Weston Committee of 1856. In its early years the new reformatory continued to rely to some extent on voluntary donations to supplement its Treasury grant.¹² This mix of funding was also true in the case of another reformatory founded at Saltley in 1851. The Saltley Reformatory for boys from Birmingham prison had been established by Charles Adderley, on his suburban estate at Saltley, and received a Treasury grant after 1854, but its semi-voluntary funding and the continuous personal involvement of Adderley continued long after this. Adderley was Conservative MP for North

11. Reformatory Schools Act, 17 & 18 Vict c 86.

12. WCRQ, Stretton Asylum, 34th Report and Weston Reformatory, 1st Report 1856; Warwickshire Reformatory, Annual Reports and Statements of Accounts 1856-75: In 1860 donations totalled around £474 as opposed to a Treasury grant of £338.5s.0d.

Staffordshire from 1841 to 1878, but was always active on the County Bench of Warwickshire. He had presented the Youthful Offenders Bill in 1852 and he was also involved in the establishment of a 'Girls' Industrial Home' at Stonleigh in 1847. Few records have survived from this establishment, however, so it is not possible to discover how far it constituted a girls' juvenile reformatory.¹³

The Summary Jurisdiction Act of 1847 had been decisive in prompting the extension of reformatory institutions for juvenile offenders. The voluntary involvement of individual magistrates and, in the case of the girls's reformatories, their wives, remained important, but funding from the sphere of private philanthropy was inadequate to meet the needs of a large-scale reformatory system. The Youthful Offenders' Act and its amendments, which brought in a measure of state control and central Government inspection as well as substantial funding from the rates, facilitated the extensions needed. This is amply demonstrated by the dramatic increase in reformatory inmates after the 1850's. In 1851 the Stretton Asylum had eleven inmates, the Saltley institution opened with 20 boys. By 1861 the Weston Reformatory held 61 inmates, the girls's reformatory at Allesley had 21 inmates, and the Saltley institution contained 73 boys.¹⁴

13. For C. B. Adderley and his involvement with the Saltley Reformatory and the Girls' Industrial Home at Stoneleigh, see W. Childe-Pemberton, The Life of Lord Norton (1909) pp.61, 127-131.

No records for the Girls' Industrial Home are available until 1856 when it was amalgamated administratively with the Weston reformatory. No trace of it could be found in the 1851 census, so there is some doubt over its exact location before 1856, when it was described as Allesley Reformatory Farm, in Tile Hill, a rural district outside Coventry. There is some confusion in the early years with an 'Industrial Home and School' set up in 1846 in Leicester Street, Coventry which moved to Little Park Street in the 1860's. WCRO, QS2/1, Report for 1862.

14. WCRO, Stretton Asylum for the Reformation of Juveniles, 32nd Report, 1851; Census, Great Britain, 1861, Table: 'Public Institutions' pp. 493-494; WCRO., Enumerators Books for 1851 Census.

The Magdalen Asylum

Juvenile reformatory provision in Warwickshire eventually moved away from its beginnings in the sphere of private philanthropy and expanded under a national system of state-run institutions. By contrast, the Penitentiary for prostitutes was a similar innovation in the treatment of a particular category of offender which never attracted Government subsidy or patronage. The history of the Leamington Penitentiary or Magdalen Asylum, demonstrates the financial insecurity of a small charitable institution and provides a useful comparison with the development of institutions like the reformatory which did attract official recognition and resources.

The Leamington institution was founded in 1840, supported by the contributions of the wealthy of the neighbourhood, following some 'shocking events which recently occurred on the banks of the Leam', which were apparently too dreadful to reveal in the local newspaper.¹⁵ Leamington Spa was already past its peak as a leisure town by the 1840's, but it is perhaps a reflection of the social problems it experienced as a result of rapid expansion in the first half of the nineteenth century, that it was the only town in the county besides Birmingham to found a penitentiary specifically for the reclamation of fallen women.¹⁶ The Girls' Reformatory at Allesley, for example, deliberately excluded girls who were considered subjects for a penitentiary.¹⁷

15. Leamington Courier . Dec. 5 1840.

16. R. Chaplin, 'The Rise of Leamington Spa', Warwickshire History vol.2 no.2 Winter 1972-1973
Reformatory and Refuge Union, Annual Register (1904)
p.443 re Birmingham Magdalen Home and Refuge.

17. WCRO, Allesley Reformatory, Report for 1856 (QS2/1)

Perhaps because of its associations with the perpetrators of immorality, the penitentiary has left less evidence of its operations than other charitable institutions in the county. Notices of annual subscribers were never advertised in the local papers, in comparison to institutions for the care of the sick and relief of poverty, which regularly listed subscribers, presidents and major benefactors. It was not possible, therefore, to discover anything about the penitentiary's managing committee. This lack of evidence suggests that it may have been composed mainly of women, who wished to give their services anonymously. It was fairly common for 'Ladies' Committees' to be involved with the management of penitentiaries in this period, although the practice was disapproved of by the Quarterly Review in 1848, whose contributor advocated that women give donations to penitentiaries rather than be soiled by any contact with impurity through active involvement in management.¹⁸ A Committee of Ladies which ran a Home for Female Servants in the 1850's, was comprised mostly of the wives and other relatives of prominent men in the town and town directories indicate some connections between the two institutions by the 1870's. The Committee of Ladies which ran the Allesley Reformatory was composed in the 1850's of the wives of four magistrates and Lady Leigh, whose husband was Lord Lieutenant of the county, so it is not unlikely that magistrates' wives were involved with the Leamington Penitentiary as well.¹⁹

The institution opened optimistically in 1840 with eleven inmates and hopes for expansion, in two adjacent houses in the older part

18 'Female Penitentiaries' Quarterly Review vol. lxxxiii, 1848. pp 364-76

19. The committee was Mrs. Selina Bracebridge, Mrs. Wren-Hoskyns, Lady Guernsey, Lady Mordaunt and Lady Leigh.

of the town, well away from the expanding fashionable districts to the north of the river. No public meeting was advertised in the Press, as with other charitable enterprises on their creation, but much of the initial drive seems to have come from a prominent town clergyman; the Revd. Dr. Marsh, who preached a fund-raising sermon annually. The Home was provided with a matron, in 1841 described as a 'keeper of a Magdalen Asylum', two female servants, and an honorary chaplain. Most of the eleven inmates at the 1841 census were aged under twenty and had been born locally, the youngest being only fourteen years old. Ten years later the institution contained only four more inmates than in 1841, but it claimed a high turnover in these early years. In 1844 it was reported that the asylum had received in total fifty-six inmates, most of whom had been placed in service and were behaving well.²⁰ The capacity of the house in 1845 was reported as twenty inmates, but it is doubtful whether it was ever full. Part of the problem was that the institution was continually short of funds. The wealthy of Warwickshire seem to have found fallen women less of a good cause than juvenile delinquents, the sermons in support of the institution rarely raising more than forty pounds. In 1846 a letter to the Leamington Courier from 'Humanitas' stated that the Penitentiary was twenty pounds in arrears and suggested a theatrical event in its support. The institution's attempts to be partly self-supporting by employing inmates washing and sewing for hire made little impact on its shaky financial situation in these early years.²¹

20. Leamington Courier . June 15 1844,

21. Leamington Courier -August 30 1845, Jan. 31 1846 and Jan. 21 1850;

Whites ' Directory of Warwickshire (1850) p.620.

Such financial handicap seems to have been typical of female penitentiaries generally. The writer in the Quarterly Review of 1848, notes that even the Metropolitan penitentiaries, which held perhaps a hundred inmates, had to turn women away for lack of room, while the work of the women was a financial necessity to the very existence of many such asylums. The Leamington Penitentiary typifies exactly the "ill-supported, half-starved, stunted Magdalen in every town" which the article characterised.²² In 1848 the committee appealed publicly for funds to enlarge the establishment in order to meet "the wants of a larger portion of the county" but results were disappointing. Six years later only the collection at the annual sermon and some large private donations personally delivered afterwards, kept the institution in credit at the bank. By 1861 the institution held only six inmates and seems to have been in decline.²³ The Leamington Penitentiary was only saved from disappearing under the weight of its financial problems by co-opting a sisterhood of nuns on to the management and uniting with the Church Penitentiary Association, which took place sometime in the 1870's. This allowed the institution to be installed in new premises so that the number of inmates could be increased to forty. The subsidy provided by the Church Penitentiary Association put the finances of the institution back on a firm footing while laundry and needlework facilities were expanded so that by the early 1900's these provided over two-thirds of the institutions' income, something they had never done while the Penitentiary remained small.²⁴

22. 'Female Penitentiaries'(1848)op cit. p.375

23. Leamington Courier Jan. 15 1848, Jan. 21 1854.

24. Reformatory and Refuge Union,(1904) op cit. p.447

Thus the Penitentiary was not rescued from its financial difficulties by any Government involvement in its aims, as was the case with the Stretton Juvenile Reformatory. The Church Penitentiary Association was merely a larger charity which came to the rescue of the faltering Magdalen asylums. It may well be, however, that the lack of state involvement allowed the Penitentiary to remain much less of a 'total institution' than other types of reformatory establishments. The evidence available about the internal organisation of the Leamington institution indicates that charitably funded penitentiaries were organised on less strict lines than the kind of discipline that was contemporaneously being introduced into prisons and juvenile establishments. The writer of the Quarterly Review article had lamented that penitentiaries were not adopting something approaching the separate system of prison discipline, with provision for private prayer and self-criticism.²⁵ The 1854 report of the Leamington institution indicates that the women remained in the house without any compulsion and were free to leave when they wished. The Committee preferred girls to stay for two years, before it felt confident about placing them in service, but had excluded cases from the prison from the outset and could not force inmates to remain against their will.²⁶ Thus the charitable Magdalen asylums were initially outside the official sphere of the penal system. When female convicts began to be sent to special refuges in the 1860's, special institutions were set up within the prison system, such as those at Dalston and Toxteth, rather than try to

25. 'Female Penitentiaries' (1848) op cit. p.374

26. Leamington Courier. Jan. 21 1854.

involve the voluntary sector, although by this date the Leamington Penitentiary was accepting the occasional woman from the local county prison.²⁷

III

PUBLIC AND PRIVATE IN THE CARE OF THE INSANE

Private Madhouses

Charitable purposes may have been the driving force behind private ventures in the reformation of juveniles and fallen women, but this was not so in the case of private provisions for the care of the insane. Before the Lunacy Acts of 1845 private lunatic asylums run for profit were the major form of indoor care of the mentally ill. They proliferated in Warwickshire, which had one of the highest concentrations of private asylums of any county in England and Wales.²⁸ The 'trade in lunacy' placed emphasis on business rather than the medical care or treatment of the insane, and this is evident from a brief survey of how private madhouses in Warwickshire changed hands over the first half of the century among a group of mostly non-medical madhouse proprietors. It is difficult to keep track of how many madhouses were in existence at any one time, as changes of premises or proprietor were not always made clear in official sources of licensing and inspection, but it would appear that there were at least five houses present at any one date from the 1830's to the 1861 census.

27. WCRO, Report of Discharged Prisoners Aid Society, October 1863 (QS43/2), shows one woman sent to Leamington and 3 sent to Dalston during the year.

28. W. Parry-Jones, The Trade in Lunacy (1972) pp.32-7
 D. Liesenfeld, 'Insanity and Private Asylums in nineteenth-century Warwickshire', MA. Thesis, Warwick, 1980.

These asylums were almost wholly concentrated in the southern half of the county, rural settings perhaps more likely to attract paying patients than the manufacturing districts of the Warwickshire coalfield. Henley-in-Arden, a village in the south of the county, was criticised in 1841 by Richard Paternoster for its dependence on the lunacy trade from the presence of four private asylums in its vicinity.²⁹ The oldest established house in this 'peaceful country village fattening on the spoils of humanity' was Burman House, run by the Burman family from 1793 to 1850 when the license was taken over by a surgeon, Dr. Diamond who subsequently sold it to Dr. Fayer five years later. Also in Henley were Arden House, owned by Dr. Dartnell in the 1850's, and Hurst House, which was owned in 1851 by a lady proprietor, Anne Hebert. The Henley houses were typical of licensed houses elsewhere, in that they were fairly small, the largest being Burman House, which was licensed for 30 patients.³⁰ Not far from Henley, but closer to Birmingham was Packwood Asylum or Haugh House, owned by another lady proprietor, Miss Gibbs, from around 1828 to 1847 when she married Mr. William Roe, who took over the license. Licenses were transferred either by sale, by marriage or inheritance, much as any business operation. Anne Hebert, for example, was proprietor of a madhouse in Leamington Spa until 1845, when she was forced to move her establishment to Watchbury House, Barford because the town commissioners considered that 'a lunatic asylum in the centre of a town like this' was a nuisance. Some time before 1851 she took over Hurst House in Henley and in 1855 she

29. W. Parry-Jones (1972) *op cit.* p.3; R. Paternoster, The Madhouse System (1841) pp.78, 80.

30. Information about the private asylums has been compiled from several sources, using Parry-Jones and Liesenfeld *op cit.* as guidelines; Quarter Sessions annual reports, especially QS/1, QS39/24; London and Provincial Medical Directory, (1855); Census, Great Britain, 1861, Table of Public Institutions pp.493-4; Warwickshire Asylum Visitors, Reports, (QS24/7); W. Parry-Jones, (1972) *op cit.* pp.30, 44, 282, 4.

married her superintendent, Mr. William Joiner, who took over the license and eventually sold it to Dr. Fayer in 1858.³¹

The only connection between the private asylums and the local authorities who were responsible for public institutions was through the annual inspection and licensing carried out by Quarter Sessions. Five Visitors to private asylums were annually appointed at Quarter Sessions and were required to make inspections four times a year under the 1845 Lunacy Act, while the Lunacy Commissioners inspected twice-yearly. Only one of the Warwickshire Visitors to private asylums was a medical man, Dr. Thomas Thomson, and there is little evidence from their annual reports that the Visitors played any major role in directing how the private institutions were to be run. This was largely left to the Lunacy Commissioners.³² There were two exceptions to this norm, both madhouses which held a large number of pauper inmates. Duddeston Hall at Aston near Birmingham was the largest private asylum in the county in 1844 with 85 patients, 60 of whom were paupers and it is clear that Duddeston operated explicitly to take pauper lunatics sent by the Birmingham authorities.³³ At Harbury, just outside the county town of Warwick, Hunningham House seems to have performed a similar function for the Warwick Union.

Hunningham was a larger establishment than normal, licensed for seventy-eight lunatics by 1848, sixty-three of whom were paupers. Clearly Hunningham was one of those private houses which had secured a Poor Law union as its chief client, taking the worst

31. Leamington Courier July 5, 1845.

C.Liesenfeld, 'Insanity and Private Asylums' (1980) op cit. pp.13-19

32. C.Liesenfeld, *ibid.* pp. 20-21

33. W.Parry-Jones, ⁽¹⁹⁷²⁾ op cit. pp.189-192; Duddeston was first licensed in 1835 for 18 pauper lunatics.

cases out of the workhouse for a fee.³⁴ In this case the client was probably the Warwick Union, which would have needed some specialised lunatic provision by this date as it included the towns of Warwick, Leamington and Kenilworth within its boundaries and, unlike Coventry, had no special lunatic wards in its workhouse.³⁵ This connection with the Poor Law is further underlined by the fact that both James Harcourt, the proprietor from 1847 to 1855 and his predecessor Dr. Walter Watson, were officials of the Warwick Union. Harcourt was the relieving officer for Leamington district and Registrar of Births and Deaths simultaneously with his ownership of Hunningham House and also owned Harbury House, a more typical private asylum for twelve inmates in the same village. Watson, who was well-qualified medically, was Medical Officer for the Leamington district both during his ownership of Hunningham and after he gave up the license to Harcourt in October 1847. It seems likely that he may have owned Harbury House as well before that date.³⁶

Only a handful of records concerning Hunningham House have survived, consisting of a few patients' admission certificates and the annual reports submitted to Quarter Sessions, which are unilluminating. In 1848 an investigation was made into allegations made by the resident medical officer, Dr. Carr, that there was mismanagement of the institution and cruelty to the patients. The inquiry was carried out by the visiting justices who found the allegations to be false

34. *ibid.* pp.40-41

35. Poor Law Board, *Rept. P.P.1863* (477)LII p.85. 'Return of Lunatic Wards', shows Coventry as the only Union in the county of Warwickshire with a separate ward.

36. *WCRO.; Minutes of Quarter Sessions, May 1847 (QS39/19); London and Provincial Medical Directory, 1848 & 1855; Leamington Courier, March 21 1840;*
Hunningham Enumerator's Books for 1851 Census;
 W. Parry-Jones, (1972) *op cit.* pp. 246-7; C. Liesenfeld, (1980) *op cit.* pp.13-28.

and dating from the period of Dr. Watson's ownership, not Harcourt's who had been charged with the allegations. Whatever the real truth was, conditions seem to have been far from salubrious; the justices recommended in 1850 that chloride and lime should be used to clean up the cells.³⁷ By this time it seems that Hunningham was being less used as a pauper institution, with only 35 pauper inmates although the private patients still numbered 15. The building of a county asylum was already underway by 1850 and it is possible that unions may have removed some cases back to the workhouses ready for transfer or possibly to avoid having to transfer them to the new asylum at all. In 1856 Harcourt gave up both his madhouses and emigrated to Australia. He soon opened the first private madhouse in Victoria, where the business was presumably not in such decline as in England.³⁸

The County Asylum

It was partly through the use of houses such as Hunningham and Duddeston that counties like Warwickshire managed to meet minimum requirements for the care of the pauper insane between Wynn's permissive Asylum Act of 1808 and the compulsory statute of 1845.³⁹ Besides retaining some lunatics locally Poor Law authorities in Warwickshire had sent lunatics as far afield as Haydock Lodge licensed house in Lancashire, Bethnal Green in London and the Northampton County Asylum before Warwickshire built its own county institution.⁴⁰ It was only the compulsory element of the

37. WCRO, Warwickshire Asylum Visitors, Reports for 1848 and 1850.

38. W. Parry-Jones, op cit. pp. 246-7; C. Liesenfeld op cit. p. 28

39. The County Asylum Act of 1808, known as Wynn's Act, laid down specifications for the construction and maintenance of county lunatic asylums for dangerous lunatics.

40. J. Lane, 'Disease, Death and the Labouring Poor 1750-1834', an unpublished paper, Centre for the Study of Social History, May, 1980. p. 17 (cited with permission); In 1845 the Northampton Asylum had 40 of Warwickshire's lunatics. WCRO, Minutes of Quarter Sessions, Epiphany, 1845.

impending Act which prompted Quarter Sessions to begin plans for a county asylum in October 1844, and which ensured the fruition of those plans when the asylum was opened in 1852. The institution was set in 36 acres of farmland at Hatton, a few miles outside the county town and cost around £55,000 to build.⁴¹ The original building was designed to house 300 pauper lunatics, but in its early years a separate ward was given up to private patients, to help raise money from their fees. This practise was suspended from 1859 to 1871 owing to the pressure of pauper lunatic numbers, but was resumed after extensions to the buildings in 1871. Birmingham's pauper asylum had opened a few years earlier than Warwickshire's and took in patients from the borough of Birmingham as a continuous policy.⁴² With most of the pauper patients and some of the private trade taken from them, private asylums in the county went into a gradual decline. By 1861 only Burman, Hurst and Arden houses survived at Henley, with only 30 patients between them. In the Birmingham region, Duddeston House had only 31 inmates and Driffold House at Sutton Coldfield held 12. Ten years earlier there had been at least 160 lunatics in private licensed houses in the county and the Birmingham region as a whole.⁴³

41. WCRO., Minutes of Quarter Sessions, 1851-52.(QS 39/19 & 20)

42. Birmingham always received a small number of private patients from the borough even when there was no room for extra pauper cases.

Birmingham Borough Asylum Reports: 1866 p.23.

Warwick Asylum left the admission of private patients dependent on the space available and excluded private admissions on many occasions: Warwick County Lunatic Asylum (hereafter WCLA), Reports, 1859 and 1871.

43. Census, Great Britain, 1861, Table: 'Public Institutions' pp.493-4; WCRO., Enumerators Books for 1851 Census.

There was some limited continuity between the magistrates responsible for visiting licensed houses, and those who organised the building of the new county asylum and who continued to keep a close rein on its affairs after it opened. One of the five Visitors of licensed houses, G. T. Smith, was on the fourteen-strong committee appointed in 1849, and medical advice was sought from Dr. John Conolly who had been an inspector of Warwickshire licensed houses in the 1820's before moving to Hanwell Asylum and becoming famous for introducing the non-restraint system.⁴⁴ A total break with the licensed house system was made in the choice of the county asylum's first medical superintendent, William Parsey M.D. Parsey had trained first under Conolly at Hanwell then as Dr. John Bucknill's assistant medical officer at the Devon County Lunatic Asylum from 1844. So he was a committed advocate of moral treatment and non-restraint, while his experience came totally from the public asylum sector and with pauper lunatics. The Warwick County Asylum never developed into one of the giant 'lunatic warehouses' which came to characterise the county asylum era, but later chapters will demonstrate how remaining on the 'smaller' side with less than a thousand inmates did not prevent some of the symptoms of the 'warehouse syndrome' from developing. Parsey remained superintendent for the first 30 years of the asylum's history, until his death in 1884. Thus the effects of an increasing asylum population and changes in psychiatric attitudes, discussed in later chapters can be set against this continuity of personality.⁴⁵

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4. WCRO, QS 39/20 1848 & 1849; CR 1664/115 re payment of £50 to Conolly for help with choosing the architect's design for the asylum.
 E. S. Stern, 'Three notable 19th Century Psychiatrists of Warwickshire', Jour. Mental Science March 1961 p.188
 W. Parry-Jones, op cit. p.97 re Conolly as Medical Visitor of Licensed Houses 1824-1828.
5. In 1889 sixteen out of the 66 public asylums had over a thousand inmates; Warwick asylum had 650; Lunacy Commissioners, (L.C.),.. Annual Report for 1889.

One essential effect of a steadily rising inmate population at the county asylum - the daily average number by 1871 totalled 473 patients - was the pressure for better classification of categories of lunacy. One group for whom special provision was made early on was the mentally handicapped, who were taken out of the main buildings in 1871 and housed in a separate Idiot Asylum extension. A school was established there two years later for the training of the mentally handicapped, but of the 91 'idiots' there in 1873, only 40 attended the school and the rest were presumably under purely custodial care.⁴⁶ More will be said about the pauper mentally handicapped in a later chapter.

The Midland Counties Idiot Asylum

At about the same time that the County Idiot Asylum was being added to the Hatton Asylum, an alternative institution for patients who were not paupers was being established.

In 1866 two doctors, Dr. Bell Fletcher and J. H. Kimbell founded a small private asylum for idiot children at Dorridge Grove, Knowle, a village about equidistant from Birmingham, Coventry and Warwick. The institution was at first typical of other licensed houses in size, with only 17 beds, but in the latter part of 1867 steps were taken to enlarge it, to make more provision for the mentally handicapped children of families in 'the middle ranks of society'. Here the similarity with the eighteenth-century private asylum ended, for the Knowle institution became the object of private philanthropy.

At public meetings held in Leamington and also at Birmingham, both presided over by Lord Leigh, Lord Lieutenant of the county, it was

⁴⁶. *ibid.* Report for 1871.

Warwick County Lunatic Asylum (hereafter WCLA), Report for 1873, p.11; Quarter Sessions, Printed Orders of Court, Dec. 1867 (QS43/2)

decided to convert the institution into one supported by public subscription.⁴⁷ By 1874 the Midland Counties Idiot Asylum, as it was now called, was able to move into new premises, in 12½ acres of land in Knowle and providing 50 beds. The total cost was estimated at around ten thousand pounds and was met wholly from subscriptions and donations. The institution was intended to be partly self-supporting, in that those who could afford to pay full or half fees did so, while others of 'the needy and struggling class above the condition of the pauper' were admitted free by election.⁴⁸ Some of these cases would otherwise undoubtedly have had to accept pauper status and enter the county asylum idiot department. As a private asylum, the Knowle institution was able to exclude cases considered unsuitable, such as epileptics and 'unimprovable' cases. The only other asylum provision for such people if they could not be taken care of at home, was in unspecialised private asylums, or the county asylum. Similarly younger patients were preferred and it seems that many children did not remain in the school when they became adults. It has not been possible to trace what happened to the patients who became too old for the care and training the school provided, but it seems likely that some would eventually drift into the county asylum idiot department, which seems on all points to have served as a dumping ground for the least promising of the mentally handicapped.^{49a}

47. WCRO, Midland Counties Institution, Knowle, Report for 1936, page 2; Leamington Courier Dec. 14 1867.

48. W.G. Blatch, 'The Midland Counties Idiot Asylum' in The Old Cross W. G. Fretton (ed) No. 3, Nov. 1878. (Coventry) p.317

49a Reformatory and Refuge Union, (1904) op cit. p.74; Midland Counties Institution, Knowle, Report for 1936, p.2

This public philanthropic effort to provide an alternative to the county asylum for mentally handicapped children of the better-off classes was initially greeted with a surge of enthusiasm as subscribers provided the first ten thousand pounds for the premises. After this, however, the institutions' financial resources grew more slowly and the architect's initial plan for an institution of 250 inmates was not realised. In 1886 the Asylum was registered under the Idiots Act of that year which, although only a permissive Act, signified a growth of Government concern. Even after this legislation, however, accommodation at Knowle was still only 75 in 1892, and had risen to just 115 by 1902.^{49b} By remaining outside the field of local authority funding, such institutions were limited in the size of their operations, but at least retained autonomy over the type of patient admitted, while avoiding the problems of overcrowding pertaining in the public asylums. In 1878 it was claimed that most of the inmates at Knowle attended school for an hour in the morning and the same in the afternoon, and the emphasis of the daily timetable appears to have been placed on learning through play as well as assisting with the chores of the institution.⁵⁰ Reports of the county asylum's idiot wing, frequently bemoaned how little could be achieved by training with the asylums' unsuitable idiot patients, and concentrated instead on the useful work done by the mentally handicapped inmates for the institution.⁵¹ Thus there was a subtle difference between an institution whose duty was to the families of its inmates and the philanthropic subscribers, and one whose ultimate accountability was to the ratepayers.

49b *ibid.*

50. W. G. Blatch, (1878) *op cit.* pp.318-19

51. WCLA Reports 1873, and 1875, evaluated the usefulness of the work done by the Idiot Asylum inmates to the institution as a whole, but made little mention of any value to the idiots themselves.

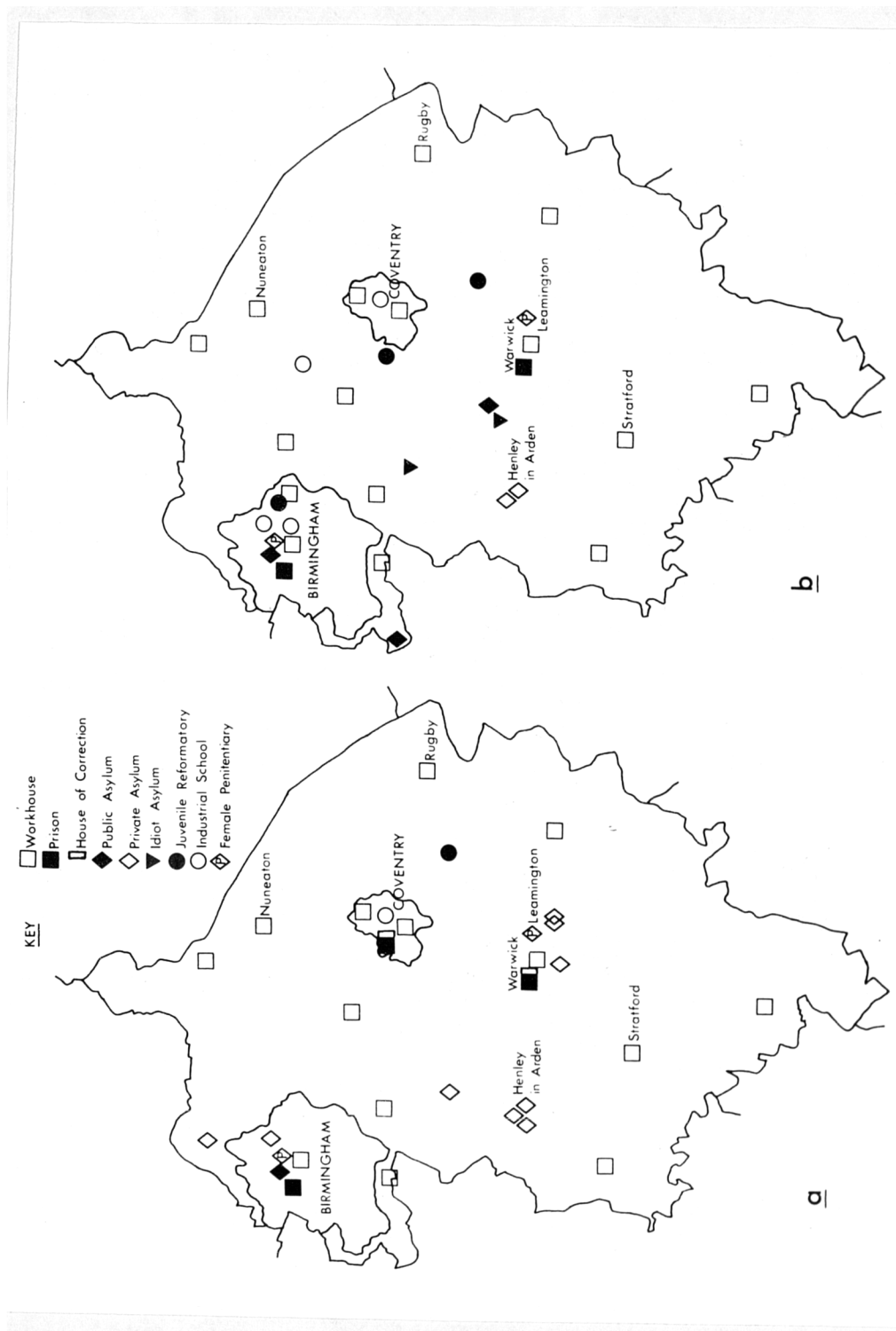


Fig. 1 (a) PUBLIC AND PRIVATE INSTITUTIONS IN WARWICKSHIRE, indicating changes in the pattern of provisions; a) circa 1851, b) 1881

FIGURE 1 (b). WARWICKSHIRE INSTITUTIONS FOR THE CONFINEMENT OF OFFENDERS, PAUPERS AND THE INSANE - LISTED IN CHRONOLOGICAL ORDER.

(N.b. This list is not an exhaustive one, but corresponds to the establishments shown on the maps in figure 1 (a).)

<u>Institution</u>	<u>When founded</u>	<u>No. of inmates in 1851, or at the date stated.</u>
<u>Reformatory and Penal Institutions</u>		
Warwick Gaol and House of Correction	1798 (rebuilt)	293
Stretton-on-Dunsmore Juvenile Reformty.	1818	11
Coventry Gaol and House of Correction	1831 (rebuilt)	58
Leamington Penitentiary, Magdalen.	1840	14
Birmingham Magdalen Asylum.	?	16 in 1861
B'ham House of Mercy, Erdington	?	50 in 1861
Coventry Girls' Industrial Home	1846	24
Birmingham Borough Gaol	1849	296
Saltley Boys' Juvenile Reformatory	1851	20
Weston-under-Wetherley Boys' Reformty.	1856	64 in 1861
Allesley Reformatory Farm for Girls, (Tile Hill, Coventry)	1856	21 in 1861
Warwick New Prison	1861	186 in 1861
Industrial Schools in Birmingham: Gem Street, Penn Street, Winson Green & Vale Street, Shustoke and Fillongley.*		
<u>Lunatic Asylums</u>		
Clare House, Leamington Spa	(closed 1845)	
Burman House, Henley-in-Arden	1793	20
Packwood Asylum, or Haugh House	1828	?
Watchbury House, Barford. (nr. Leam. Spa)	1846	?
Hurst House, Henley-in-Arden	?	7
Duddeston House. (Aston, Birmingham)	1835	50 in 1850
Driffold House, Sutton Coldfield.	?	10
Hunningham House (Harbury nr. Warwick)	mid-1840's	35
Harbury House (near Warwick)	?	15
Arden House, Henley-in-Arden	?	1 in 1861
Birmingham Borough Asylum	1851	182 (built for 300)
Warwick County Lunatic Asylum	1852	338 in 1861
Dorridge Grove Private Idiot Asylum, which moved into new premises as....	1866	17
Midland Counties Middle-class Idiot Asylum (1874)		50 (capacity)
Warwick County Idiot Asylum	1871	200 in 1871
Rubery Hill Lunatic Asylum, Birmingham	1882	265 in 1882

FIG 1 (b) continued.

	<u>Inmates, 1851</u>
<u>Union Workhouses from 1834.</u>	
Coventry, House of Industry	216
Meriden	61
Atherstone	31
Nuneaton (Chilvers Coton)	73
Foleshill	47
Rugby	105
Solihull	97
Warwick	232
Stratford	90
Alcester	108
Shipston	94
Southam	95
Birmingham Workhouse	643
Coleshill Cottage Home (Birmingham Workhouse) (founded 1870's)	394 in 1881

Sources: Census Enumerators' Books, Census Tables, 1851 and 1881,
Reports of Warwickshire Quarter Sessions.

* re. Birmingham Reformatory institutions for Juveniles
see B.Weinberger, 'Lawbreakers and Law-Enforcers in the
late Victorian City', Birmingham 1867-77. PhD Thesis,
Warwick, 1981.

IV

INSTITUTIONAL FORMS OF CARE FOR THE SICK AND THE PHYSICALLY DISABLED

In terms of funding and administration, the Midland Counties Idiot Asylum had more in common with provisions for the care of the sick and physically handicapped, than with public asylums for the insane. Most of these provisions fall well outside the scope of a study concerned with institutions oriented towards dealing with deviance. Yet some discussion of them in the local setting is necessary, for many types of homes and hospitals contributed generally to the institutional milieu of the nineteenth century. They formed an additional arena for the operations of philanthropy, duty and charity by the same members of the wealthy classes who were active in the public institution field.

The subscription method of funding adopted by the Knowle institution was also the major form of finance for voluntary hospitals, infirmaries and dispensaries. Under the subscription system individuals or associations took out a subscription for a certain sum of money to the institution concerned, which entitled them either to receive treatment themselves or, in the case of a large subscription, to elect a given number of other persons for admission or treatment.⁵² Local developments can be documented briefly. One of the earliest infirmaries in the county, and the first to use a subscription system, was the Eye and Ear Infirmary founded by H. L. Smith at Southam in 1818 which had grown to an infirmary

52. J. Woodward, To Do the Sick no Harm: a Study of the Voluntary Hospital System to 1875. (1974) pp.18-22, 38-39

with 16 beds in 1855.⁵³ The two major subscription hospitals in the county were the Warneford at Leamington Spa, founded in 1806 and erected in 1832, and the Coventry and Warwickshire Hospital founded in 1838.⁵⁴ An institution of a more custodial nature was the Midlands Counties Home for Incurables, established at Leamington in 1874 as a subscription hospital, offering relief to 'sufferers' by admission to the home or by pensions to outdoor incurables. Admission was either free on election by a subscriber with votes, or by recommendation of two subscribers without election rights and private payments of 12/6d per week. Cases of insanity, imbecility, epilepsy and cancer were all ineligible and by 1902 the institution was concentrating on its indoor function with 90 beds and 28 pensioners.⁵⁵

Two institutions in Birmingham which were open to patients from the county as a whole demonstrate how the institutional idea could sometimes co-exist with more diverse functions. The Institution for the Deaf and Dumb founded in Edgbaston in 1812 and the School for Blind Children also in Edgbaston were both primarily run as schools. The Institution for the Deaf and Dumb was funded partly by subscription and partly by private fee payments from parents or parishes. It excluded children subject to fits or deficient in intellect and insisted that children leave the school for

53. V.C.H. vol.8 op cit. pp.284-5

54. W. A. James, A Summary of the origin and development of the Warneford, Leamington and South Warwickshire General Hospital and Bathing Institution 1806-1948. (Leamington 1948) pam.; V.C.H. vol. 8 op cit. pp.285-7

55. Reformatory and Refuge Union, (1904) op cit. p.80

the Summer and Christmas vacations and after the age of 16. The Institution for the Blind was opened as a purely charitable venture in 1848, but by 1858 in addition to having 60 patients/pupils, it was heavily involved in teaching blind persons in their own homes. The daily routines of the two institutions were organised along similar lines, however, to those of more 'total' institutions. Strict subdivisions of time between work and play dominated the timetable, while pupil help with the chores of the institution was valued because it was economical as well as educational for the inmates. Handicraft articles made by the pupils regularly raised substantial sums to offset the running costs of such institutions.⁵⁶

Subscription hospitals and homes selected the categories of patients they would admit. Private rest-homes and homes offering treatment, such as the St. Clemens Hospital in Leamington for skin diseases and nervous disorders, founded in 1860, also proliferated in the fashionable Leamington, Warwick and Kenilworth districts and tended to increase the statistics of the institutional population of the county.⁵⁷ For those who could not afford private care and who could not gain election to a subscription institution, the only alternative to home care was the workhouse sick ward. By the end of the 1840's local Poor Law Guardians had begun to realise officially that they had acquired a major responsibility for the sick and disabled poor and began to expand the provision on offer within the workhouses. The Warwick Guardians decided in 1848 to erect an

56. G. Griffith, The Free Schools, Hospitals and Asylums of Birmingham. (1861) pp 116-122, 130-132, 105-112. Refty. and Ref. Union, (1904) *op cit.* p. 46

57. Advertisement at back page of; Anon (J. T. Burgess), The Life and Experiences of a Warwickshire Labourer. pam. (c. 1872, Leamington)

infirmary and the Coventry Directors of the Poor began planning one in 1845.⁵⁸ The growing importance of workhouse medical provisions for all those groups who could not afford private medical care accelerated after mid-century, and has been well-documented elsewhere.⁵⁹ Warwickshire workhouses do not seem to have been very different to the rest of the country in this respect; the large Warwick Union workhouse for example held few able-bodied inmates by the 1860's. Typical inmates were the aged, children, and the non able-bodied.⁶⁰ County workhouses were all modelled on the 'general workhouse' plan and only Coventry provided a separate ward for insane paupers.

Detailed treatment of the development of Warwickshire's workhouses was considered to be outside the scope of this thesis. Instead, attention has been focused on how the workhouse was linked with other institutional provisions. The Boards of Guardians had jurisdiction over the sick and harmless insane in the workhouse as well as aged, juvenile and able-bodied adult inmates. The public institutions which purported to deal with crime and insanity, prisons, reformatories and asylums were under the ultimate control locally of the magistrates at Quarter Sessions. With the formalising of the magistracy's control over the reformatories and the establishment of a public lunatic asylum in the 1850's, the total number of inmates under their jurisdiction increased dramatically from mid-century. [See Fig. 1] It has been shown, however, that private individuals were also heavily involved in the funding,

58. D. Fraser, The Evolution of the British Welfare State. (1973) pp. 84-87.
V.C.H. vol.8 p.287

59. D. Fraser, (1973) *op cit.* pp. 82-86
 M. Rose, The Relief of Poverty 1834-1914. (Economic History Society, 1972) pp.37-38

60. R. Hodgkinson, 'Provision for Pauper Lunatics, 1834-71' Medical History no. 10, 1966 p. 149
 See Chapter six of this thesis re workhouse population

establishment and running of various ventures offering an indoor solution to problems of deviancy and dependency. The interaction and overlap between the public and private controlling bodies of different institutions is discussed in Chapter three. How far these very different institutional forms approached anything which might be described as an 'asylum system' can also be approached, however, from the perspective of two groups who had more daily experience of institutions; the inmates and the staff. One outstanding conclusion of the discussion which follows is the immense importance of the medical profession in the institutional field, in the links they provided from one institution to another and their important role in the process of categorising and decision-making about the inmates.

V

THE 'ASYLUM' AS AN INTERCONNECTED SYSTEM

By the 1850's it was possible for an individual, once consigned to one institution, to follow an inmate career, spending time at one public institution after another via various pathways of re-commitment and referral. The perspective of the potential career of an inmate can be illuminating and indicates that in this respect something of a connected system of institutions dealing with deviancy and dependency was emerging. Some hypothetical pathways of the inmate through a variety of institutions can be traced through a graphic representation of the links between different 'solutions' to deviancy. [Fig.2] A person displaying bizarre and unmanageable behaviour might be referred by his family or a policeman to either the District Relieving Officer of the poor, or, if some prosecution was brought, to the magistrates at Petty Sessions. The Relieving Officer might admit the person to the workhouse or refer him to the

Guardians of the Poor for the approval of a subsidy to keep the lunatic at home. The magistrates had the option of treating the case as a criminal one or calling to their assistance a medical man and a Relieving Officer of the poor, to certify the lunatic and commit him or her to the county asylum. Where a prosecution was brought they rarely used this option of certification, however, and committed the offender to prison or dismissed him altogether. Under the 1845 Lunacy Acts parish Medical Officers and Union Relieving Officers were obliged to inform the magistrates within three days of any lunatic cases occurring in their district and certification could result in this way. Committals to private asylums normally originated with the family and only the signatures of two medical men together with that of the committing relative were necessary for certification. Persons committed to the local prison or taken into the workhouse might be relabelled as insane, and the workhouses seem to have acted in many ways as general 'clearing houses' for deviants. The workhouse Medical Officer was becoming increasingly important over the second half of the century in the labelling of insanity and it was often through him that paupers were certified by justices and sent to the asylum.⁶¹ Paupers who committed workhouse offences, which were particularly common among vagrants, were referred to the Guardians and often prosecuted. At this point the magistrates' powers to certify as insane or commit to prison would come into operation. In the local prison the opinions of the

61. The Poor Law Medical Officers have been studied by R. Hodgkinson, 'The Poor Law Medical Officers of England 1834-71' Journal of The History of Medicine and Allied Sciences 1956 vol II. which is concerned mainly with their powers and duties. For the Workhouse Medical Officer, empowered to certify pauper lunatics under the 1853 Act, see R. Hodgkinson, 'Provision for Pauper Lunatics (1966) op cit. p. 148

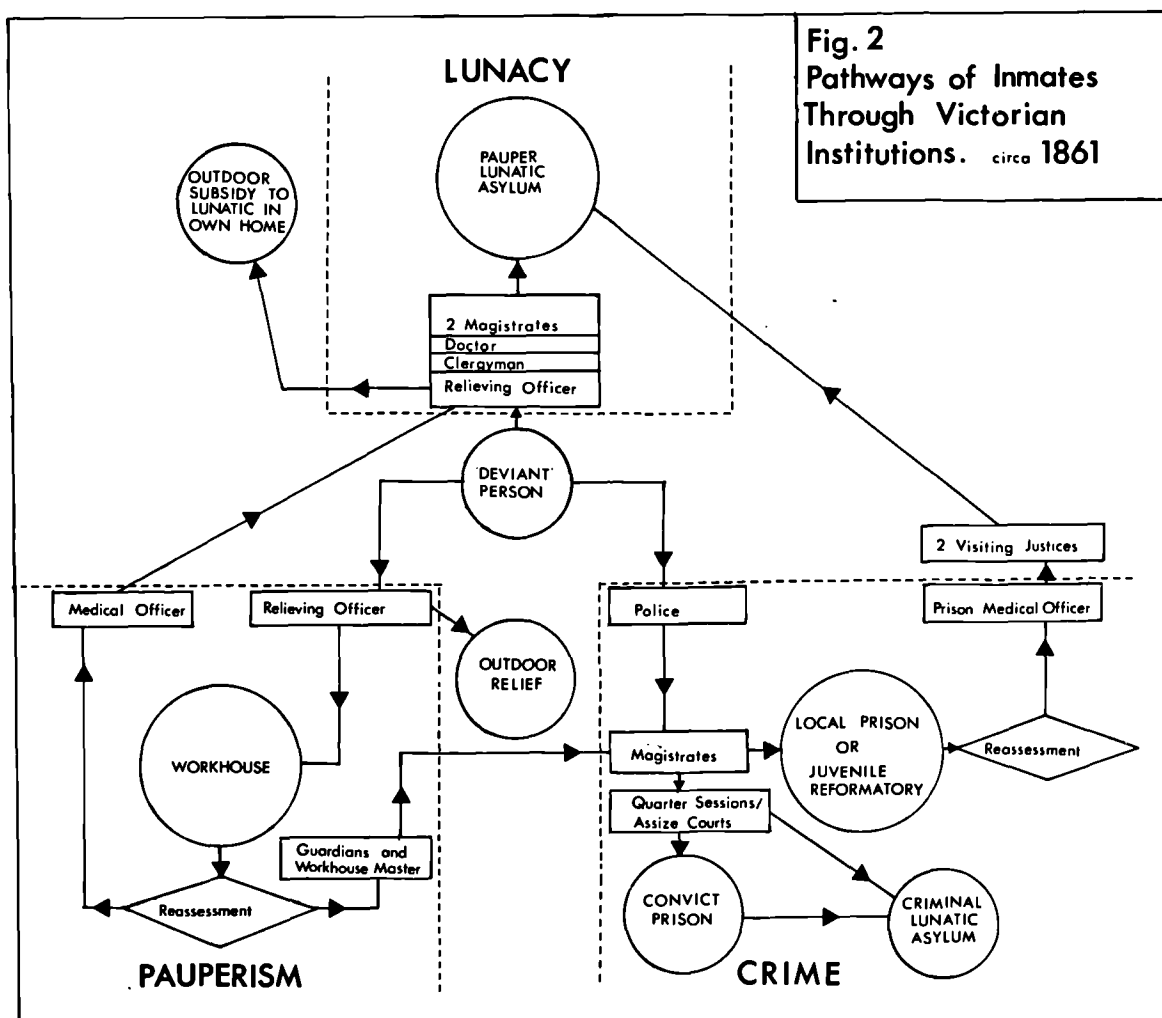


Fig. 2. PATHWAYS OF LATE-VICTORIAN INCARCERATION, circa 1861.— How people were committed, labelled and transferred, both to and between institutions.

Governor, Medical Officer and Chaplain were all important in the diagnosis of insanity, although the additional signatures of two of the visiting justices of the prison were needed in order to send a prisoner to a county asylum as a criminal lunatic. Juveniles generally had to spend a short spell in prison before going to a reformatory; under the Act of 1854 they had to spend the first two weeks of a reformatory sentence in prison. Prisoners tried at Quarter Sessions or Assizes for serious crimes and found guilty might be sent back to the local gaol, sent out of the local arena to a convict prison or, on those rare occasions when an insanity verdict was returned, to a criminal lunatic asylum.⁶²

Some examples of such 'careers' drawn from Warwickshire cases showed the effect of such transfers on inmates' perceptions of themselves and their treatment. A young girl who had been left in the Nuneaton workhouse in 1864 when only eight years old because of 'uncontrollable temper', spent the next seven years at odds with the institution and was eventually sent to prison for trying to run away. Violent behaviour at the prison got her transferred to the county asylum in 1872, when it was reported that she 'thought she was to be locked up here for life and said it did not matter how badly she went on as nothing worse could be done to her'. Similarly, a man who spent the last six months of a five-year prison sentence travelling from Warwick prison to Millbank Gaol, to Broadmoor criminal lunatic asylum and back finally to the Warwick County Asylum, was reported as being sullen and angry at being

62. For a discussion of the legislation governing the transfer of disordered offenders from prison to asylum see Chapter 7 seq. (this thesis).

sent there instead of discharged at the end of his sentence. He 'considered it part of the system of passing him from place to place and would not believe that this (the Warwick Asylum) was an asylum unconnected with the Government prisons or asylum.' For such inmates, the linkages between different types of institution were real ones.

Though inmates had some degree of intra-institutional mobility, such links did not amount to any standardisation of practice or conditions within institutions. The separation of public jurisdictions of Quarter Sessions and Boards of Guardians contributed to considerable variation both laterally between establishments and regionally between the same types of institution. The conditions of custody which a 'lunatic' might experience, for example in a rural workhouse without an insane ward, could be far worse than in an urban workhouse with a separate ward, or in a new county asylum, where minimum standards were enforced by the Lunacy Commissioners.⁶³ It was well-known that vagrants were 'selective' of particular districts and institutions at various seasons of the year.⁶⁴ Any inmate who found himself sleeping six to a cell in Warwick Gaol, in the late 1840's, doing agricultural labour at the Stretton Reformatory, or enduring the separate system which was brought in at Birmingham Prison in 1849, must have been well aware of the wide variation in the conditions of incarceration.

The role of the magistracy as labelling authorities was central in the transfer of 'deviants' and the administration of county institutions.

63. R. Hodgkinson, 'Provision for Pauper Lunatics' (1966) *op cit.*
J. M. Granville, The Care and Cure of the Insane.
(1877)

64. On vagrants and institutions; D. J. V. Jones, 'A dead loss to the community, the criminal vagrant in mid nineteenth-century Wales', Welsh History Review. vol 8 1977; and WCRO, QS39/20, Reports of Visitors of Warwick Prison, Jan. 1845 and Jan. 1852.

Yet, the pathways from one institution to another demonstrate at almost every point of relabelling, the importance of the lower authorities; the medical personnel of institutions and the Relieving Officers, or paid Overseers who figured large in all contacts between the poor and the Poor Law. The institution medic, Poor Law District Medical Officer and Relieving Officer still lack their social histories. It would be useful to know something of the extent of their expertise in the diagnosis of insanity and to be able to situate them in terms of their social background and class reference points and attitudes. This study was carried out not to fill that gap, but to situate these professionals more clearly within the local institutional network of Warwickshire. Institutional records and medical directories demonstrate the degree to which the institution sector existed as a base within which careers could be developed, and that practise in one kind of deviance or one form of institution did not preclude the transferral of professional skills to another sector.

From the outset it is clear that the institutional field was a generally fluid one from the point of view of these intermediate authorities. Posts, especially medical ones, would frequently be held simultaneously with positions in other institutions, as well as carrying on a private practice. Since the days of the old Poor Law medical men with their own practice had taken on contracts with the Overseers to visit pauper cases for an annual fee. This tradition continued after 1834, but under the more bureaucratic administration of the new Poor Law these doctors became District Medical Officers, one of whom in each Union had additional responsibility

for the workhouse inmates. Remuneration for this work had always been low and under the new Poor Law it remained so. Part of the problem was that the Medical Officer had to provide his own medicines, such that in some areas the remuneration might actually be below cost. Although the remuneration for Poor Law work was improving towards the end of the 1860's, the low value of the work may well explain why doctors frequently took on several contracts at once.⁶⁵ One suspects that institutional work was sometimes undertaken as the obligation of a successful man to offer his skill for charitable purposes as well as for profit, and Woodward has pointed out that in the voluntary hospitals medical appointments were frequently honorary and not salaried.⁶⁶ This form of 'noblesse oblige' among the medical profession may well explain why at mid-century no clear distinction can be drawn between the doctors who treated the rich and those who treated the poor. Even Dr. Jephson, who became one of the most successful doctors of the century in terms of his income from treating the wealthy, had a contract with the parish of Bishops Tachbrook at the same time as he was partner in a practice treating the elite of Leamington Spa.⁶⁷

Similarly, there appears to have been no distinction between appointments in the public and private institutions. All of the Warwickshire institution **doctors held more than one post in their** careers and some held several posts simultaneously. William Laxon, surgeon to Coventry Gaol in 1844, was one of three surgeons to the Coventry and Warwickshire Hospital in 1850 and had done work for

65. R. Hodgkinson, 'The Poor Law Medical Officers' (1956) *op cit.* pp.303-4, 326.

66. J. Woodward, (1974) *op cit.* p.23

67. E. Baxter, Dr. Jephson of Leamington Spa. (Warwickshire Local History Society, 1980) p.8.

the overseers of Grendon and Kenilworth in the 1820's. Thomas Wheatley Hiron, appointed surgeon to Warwick Gaol in 1851, held the post for ten years and is recorded in 1855 as surgeon to the Warwick Dispensary. Another Warwick doctor with a successful practice Henry Blenkinsop, was senior surgeon to the Dispensary in 1855 as well as Medical Officer of the Warwick Union workhouse. He was appointed surgeon to the county prison in 1865.⁶⁸ The level of a surgeon's involvement with a small private medical institution would not have been very great and it is clear that doctors were able to combine the work of a private practice with visiting a prison and perhaps a voluntary infirmary, or attending at a dispensing surgery.⁶⁹ Even later in the century, when it might be expected that institution posts were more time-consuming, as medical men had more to offer in the way of special skills, and medical knowledge had gained acceptance, the Warwickshire physicians took on multiple appointments besides their own private patients. In 1876 Dr. John Robert Nunn, with a successful practice in Warwick, was also surgeon to the county prison, the Ladies' Charity and the Dispensary. By 1880 he had, in addition to these, become Medical Officer to the Sanatorium and was complaining to a colleague of being worried from overwork.⁷⁰ That such medical men retained their private practice demonstrates that careers were not restricted

68. Information on the Warwickshire doctors and surgeons has been compiled from the London and Provincial Medical Directory, 1848, 1855, 1876, and from the major institutional records consulted.

69. J. Woodward, ⁽¹⁹⁷⁴⁾ loc cit. p.23. Most of the care of the patients on a day to day basis was in the hands of a resident apothecary.

70. Much of this information has been taken from the Leamington Courier report of the inquest and obituary on Nunn's suicide in 1880 at the age of 49. Colleagues considered overwork to have been one of the chief causes of his 'nervous depression'. Leamington Courier, July 31 1880.

to the institution field. Normally institutions seeking physicians made appointments from the pool of doctors practising in the immediate neighbourhood. Only a small circle of doctors seem to have held the available posts between them and these men tended to be of high social standing in the community. Nunn was actively involved in most charitable movements in the Leamington locality. Blenkinsop was a justice for Warwick Borough in 1850 and thus sat at the Warwick Petty Sessions. He was a Borough Councillor for many years and Mayor of Warwick in 1850. Another Borough Magistrate and Councillor, John Wilmshurst, was surgeon to the House of Correction at Warwick from 1836 until his death in 1850 and also surgeon to the Dispensary. It has been suggested that institution posts, especially the gratuitous ones, carried with them some prestige and the chance that the doctor would become physician to some of the wealthy subscribers of the institution.⁷¹ It is interesting to note, however, that both Blenkinsop and Wilmshurst were important men locally before some of their appointments and also independently of them.

The outsiders in this network were the medical superintendents of county lunatic asylums. Unlike the staff of other public institutions, the medical men who provided the asylum with both administrative and medical skills, were not drawn from the pool of local practitioners. Both Dr. Parsey of the county asylum and his successor, Dr. Sankey, had their previous experience within the field of asylum practice, and neither was a local man. In this respect the asylum and its staff was somewhat outside the circle of county society which provided the personnel for the bench of

⁽¹⁹⁷⁴⁾
71. J. Woodward, *op cit* p.23.

Quarter Sessions, Boards of Guardians and Committees of private charitable institutions. Neither Parsey nor Sankey was to be found on the lists of visitors' committees for the voluntary institutions and their time-consuming duties at the asylum also precluded them from practising in a medical capacity at any of these establishments. x j

The medical men who attended at the other institutions were not specialists in any particular branch of institution, but applied their skills to whatever the situation demanded medically. In the field of workhouse and prison medical practice, there was no national career network until at least the last quarter of the nineteenth century, and it seems the acquisition of institutional appointments was indicative of social standing rather than any special expertise for the job.⁷² Nevertheless, the holding of institution appointments, particularly those in workhouses, prisons and the larger hospitals, must have provided these men with a wealth of experience which they could never have gained in private practice alone. Undoubtedly, this experience was of immense value to them as 'experts' concerned in the labelling of insanity and the transfer of inmates from one type of institution to another. This experience was evidently transferable from one institutional field to another, as in the case of Dr. Whitcombe who, following a post as surgeon to the Birmingham workhouse, was appointed Assistant Medical Officer at the Borough Asylum and thereby gained an entry to the national professional network of asylum practice, becoming Superintendent of the Birmingham Asylum in 1881.⁷³ Even more likely to follow a career in deviance

72. See J. L. Brand, 'The Parish Doctor; England's Poor Law Medical Officers and Medical Reform 1870-1900'. Bulletin of the History of Medicine vol XXXV March-April 1961 No. 2 pp.100-101

73. Reports of Birmingham Borough Asylum 1870 & 1881.

treatment were the lay officers of institutions. Among the applicants for the post of Governor to Warwick Gaol in 1850, was the Warwick Workhouse Master, Mr. Hilton, together with prison officials and senior policemen. Later in the 1850's two asylum attendants are recorded as being appointed Chief Warder and Deputy Matron for the prison.⁷⁴ It seems that staff on this level saw themselves very much as workers in a connected set of institutions, managers of the poor and deviant, rather than remaining in one field only.

Outside the institutions, the Poor Law District Medical Officers responsible for a district rather than the workhouse inmates, exercised some influence over workhouse and asylum admissions. They did not need to be as well-qualified medically as the workhouse Medical Officer and this may explain why their names did not appear elsewhere as appointees to institutions. Some of the Warwick Union District Medical Officers did hold other positions, for example, under the curious system described earlier of the Warwick Union with regard to the proprietor of Hunningham House private asylum. Dr. Watson, the proprietor of the house until 1847, was the Medical Officer for the Leamington district and Mr. Harcourt's ownership of the institution began shortly after he became Relieving Officer and Medical Officer for the district. In 1840 the two other Medical Officers for the Warwick Union districts were Mr. Bodington for Kenilworth and Mr. Kimbell for Rowington. A Mr. Bodington was recorded in 1855 as proprietor of Driffold House asylum in Solihull, while Kimbell was possibly the same man who later founded the Knowle Asylum. It seems that either the policy of the Warwick Union was to choose Medical Officers already conversant with lunacy, one of the 'diseases' they would have to diagnose, or conversely

74. WCRO, Minutes of Quarter Sess., July 1850 (QS39/20); Warwick Asylum Officers & Servants' Register 1856, Wm. Derrick and Ann Derrick left to become Head Turnkey and Matron at the gaol.

that experience as Medical or Relieving Officers contributed to these men's interest in the mad-business.⁷⁵ Very little study has been carried out by social historians into the Relieving Officer of the new Poor Law and the Warwickshire institutional sources provide only a small amount of information about how the Relieving Officers fitted in to the local elite of medical and other managers of the poor and deviant. Cases in the local newspapers against Mr. Humphriss, the Relieving Officer of the Warwick Union and Mr. Bradley, one of the District Medical Officers, suggest that neither of these posts was above suspicion of dishonesty or unfair dealing from the perspectives of either the poor or the Guardian paymasters. Bradley was upbraided in 1866-67 over complaints concerning his superior attitude toward the poor and, also in 1867, Humphriss was found guilty of larceny of public funds through his position. When replacing Humphriss, applicants included the Leamington Police Inspector and a local collector of Poor rates, but the Guardians selected a man from Worcestershire, unconnected previously with the Poor Law, who was a Station Master at the rural station of Oldbury. Evidently, as later case reports on Charity Organisation Society cases demonstrate, Mr. Bone was chosen because he brought the right attitudes to the job, rather than any special experience, although one feels that his Dickensian name must have helped his application.⁷⁶ On the whole, it would appear that the Relieving Officers were on a very different level of social standing from that of the Medical Officers of institutions

75. Leamington Courier, March 21, 1840; London and Provincial Medical Directory 1855.

76. D. C. Ward, 'The Deformation of the Gift: Charity Organisation Society in Leamington Spa.' (M.A. Thesis, Warwick 1975.)

and were outside the elite circle of labelling authorities. Their influence on the treatment of deviance in the nineteenth century would repay further research.

VI

A chronological treatment of the development of major Warwickshire institutions has demonstrated that there was no clear point of division between private and public provisions. Yet the pattern of institutional provision in the county was very different in the 1880's from what it had been prior to mid-century. Private philanthropic initiative had played a major part in setting up an institutional 'network', as seen in the juvenile reformatory, the voluntary hospitals, penitentiary and private asylums, but it was state legislation which was to be decisive in expanding these limited provisions. Reliance on philanthropic and private funding which had characterised the first juvenile reformatories, the penitentiary and the Knowle asylum, brought with it financial insecurity and stunted ambitions for extending the establishments. The Stretton reformatory's need for funds was the catalyst for eventual Government sponsorship of a reformatory system and compulsory contributions from county rates. Although the movement for the rescue of prostitutes was never brought under the state umbrella, the case of the Leamington Institution demonstrates how the paucity of charitable funds forced some degree of national organisation under the auspices of the Church Penitentiary Association. In the case of the Knowle Idiot asylum, slow growth was probably a welcome alternative to the pauper stigma which public funding might have entailed, and independence of county rates meant that the institution retained its right to select patients and exclude the more custodial cases. In

this respect the private institution clearly existed at the expense of the alternative provided in the public Idiot asylum at Hatton. Subscriptions to the Knowle Asylum and the facility for election of poorer patients by subscribers probably kept the county Idiot Asylum short of the kind of patronage which could have raised the level of the patients admitted and encouraged a higher standard of care in the Idiot department.

The specialisation of different institutions and the segregation of inmates implied in the establishment of the county asylum system and the introduction of the separate system into the local prisons, involved more careful monitoring of inmates than had been necessary in less highly structured institutional environments, in order to sift out 'problem' inmates such as the insane or disorderly paupers for consignment to the lunatic asylum or prison.⁷⁷ In this process the medical profession became a very important link in the chain of labelling authorities, responsible for deciding who should be placed in institutions and where they should go. As far as inmates did follow routes of transfer from one type of institution to another, and staff at all levels regarded themselves as in an institutional career-network rather than specialising in one sector of deviance, a 'system' of incarceration existed. Yet these institutions had been created at different times for different purposes. In daily practise they were gradually welded into an 'Asylum system' through the increasing involvement of first local county Government and then National Government. On the ground the justices provided the mediating body through which classification of deviance and transfer of inmates from one kind of institution to another took place. National Government provided the framework of legislation, inspection and

77. A. Scull, 'Madness and Segregative Control', (1977) op cit.

bureaucracy within which this could be carried out. The Chapter which follows will assess how far this development into a system of incarceration reflected some unified rationale behind the establishment of kinds of asylums, by examining some of the people who established and ran the 'Asylums'.

One important point that has emerged from the discussion is the suggestion that institution personnel may have had wider experience and contact with the poor both inside and outside institutions than they are normally credited with. Poor Law officials of the Warwick Union who also ran private madhouses had experience of the diagnosis of insanity at both the institutional and outdoor levels, while surgeons who held a variety of institutional posts during their career would have been cognisant of the types of treatment offered by various institutions and the types of cases to be met with there. In some cases their social standing also gave them experience of the administrative and disposing duties of the magistracy. Doctors who sat in Petty Sessions should have been able to use their experience of mental illness in workhouses and prisons to identify mentally disordered offenders brought up on a criminal charge. The power of the institutional officer or medical man was never high when in opposition to that of magistrates or Guardians, however. When John Wilmshurst reported to Quarter Sessions in 1848 that fever had been introduced into the prison by people sent there in a state of destitution and starvation, 'subjects for the workhouse rather than the prison', the indignant response of the magistrates was that the surgeon 'knows nothing about the law in such cases', although Wilmshurst was a magistrate of Warwick Borough.⁷⁸ The

78. Leamington Courier Jan. 15, 1848.

Chapter which follows will examine the role of the county magistrates in the provision both of public and private incarcerative institutions in Warwickshire.

CHAPTER THREE. COUNTY MEN: THE WARWICKSHIRE COUNTY MAGISTRACY
AND THE ASYLUM IDEA

I

The County and Borough magistrates of the bench of Quarter Sessions were the central authorities for the administration of local government. During the nineteenth century the role of Quarter Sessions was gradually extended beyond its traditional concern with the trial of serious offences and the administration of local prisons to encompass a wider range of local government duties with jurisdiction over new categories of deviance. The Summary Jurisdiction and Youthful Offenders Acts gave magistrates in Petty Sessions more powers in the sentencing and disposal of offenders. The new police forces were also placed under the ultimate control of the Quarter Sessions Bench. Wynn's permissive Asylums Act of 1808 empowered the magistrates to provide a public lunatic asylum and from 1828 Quarter Sessions was responsible for the licensing and inspection of private asylums. The magistrates' formal role in the certification of lunacy was introduced with the 1845 Lunacy Act, which required the signature of either a justice or a clergyman on a certificate of committal to an asylum, to accompany those of a medical man and a Relieving Officer. Inspection and administration at the local level, of county lunatic asylums built under the 1845 Act, and later of juvenile reformatories was also the responsibility of the Quarter Sessions Bench.¹

For most of this era of change the predominant social group on the bench was the gentry whose position remained unchallenged until

1. Summary Jurisdiction Act 1848, 11 & 12 Vict. c 42 & 43.
Criminal Justice Act 1855, 18 & 19 Vict. c 126.
Juvenile Offenders Act, 1847, 10 & 11 Vict. c 82.
Wynn's Asylum Act 1808, 48 Geo. III c 96.
Youthful Offenders Act 1854, 17 & 18 Vict. c 86.

after 1888.² Thus the half century or so which saw the extension of the total institution to deal with a wide range of deviant behaviour was presided over in the localities not by representatives of the new industrialised order, but of the old gentry and squirearchy, traditionally associated with less interventionist and more paternalist styles of dealing with special deviancy. The previous Chapter showed that some Warwickshire magistrates acting privately took a key initiative in adopting the asylum idea for juvenile offenders, but that a county lunatic asylum and a new prison on the 'separate system' of discipline were only established in response to compulsory legislation and central government pressure. How far can this apparent reluctance in the field of public institutions be explained by the social composition of the Bench? As in other counties, Warwickshire seems to have had some 'progressive' magistrates, such as those who ran the juvenile reformatory, and it has been shown that the institutional idea was also adopted in local philanthropic ventures, such as the Leamington Penitentiary.³ In a national study, Zangerl has suggested that the small group of middle class magistrates were the

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2. W. C. Lubenow, 'Social Recruitment and Social Attitudes; the Buckinghamshire Magistrates 1868-1888' Huntingdon Library Quarterly. 40. May 1977 p. 267.
 C. Zangerl, 'The Social Composition of the County Magistracy in England and Wales 1831-87', Journal of British Studies Nov. 1971 vol. XI No. 1 p.115.
 R. J. Olney, Rural Society and County Government in Nineteenth-Century Lincolnshire (1979) pp.101-103, 135.

3. Perhaps the most well-known county magistrate for institution innovation is Sir George Onesiphorus Paul, who introduced a new system of penitentiary discipline into Gloucestershire prisons, and also took an interest in asylum provision, during the late eighteenth century.
 M. Ignatieff, A Just Measure of Pain, (1978) op cit. pp. 98-101, 103-109

most active members of county benches, thus raising the possibility that it was this group which pushed through the new systems and undertook most of their administration.⁴ The assessment which follows then, investigates the social composition of the Warwickshire bench and the part played by the magistrates in fostering - and resisting - new ideas about institutions.

II

The Social Composition of Warwickshire County Magistracy and Degree of Activity in Local Government

Quinault has shown that from the 1830's the aristocracy and landed gentry, who before then had only rarely been justices, became the predominant group on the Warwickshire county bench. As the involvement of this group increased, so the inclusion of clerical magistrates fell so that by 1868 Quinault estimated clerical membership of the bench at only seven per cent.⁵ Figure I below compares the social composition of the bench at mid-century and in 1874, the date of the first Parliamentary return of landowners. It shows the proportion of aristocratic magistrates to be fairly static and the clergy to be in continuous decline. These two groups are fairly easily identified from the sources, so the classifications are reasonably accurate. Only magistrates listed with a title, peers and baronets, were counted as aristocracy, relatives without any title being counted in with the gentry. The assessment also compares the district of residence of magistrates dividing the county into the manufacturing northern districts and the more purely agricultural and market-town districts south of Coventry. In 1850, of 130 county magistrates

4.C.Zangerl, (1971) op cit. pp. 124-125

5. R. Quinault, 'The Warwickshire County Magistracy and Public Order 1830-70' in J. Stevenson & R. Quinault, (Eds.) Popular Protest and Public Order (1974)pp.187-190.

listed in White's Directory, 19 were members of the peerage, and over half of these were resident in the north of the county with only one of them resident in Birmingham. Although Birmingham institutions were largely administered by the Borough magistrates, Birmingham men who were also county justices have not been excluded. By the time of the 1874 survey the bench as a whole had grown to number 175 magistrates, 22 of whom were peers. Slightly more peers and baronets were now resident in the more rural half of Warwickshire and three had their permanent addresses outside the county. The clerical group of magistrates, in decline by 1850 and numbering only ten individuals on the county bench of 1874, tended throughout the period to be drawn from the rural districts. It should be pointed out that it may be somewhat unrealistic to treat the clergy as a separate group in the nineteenth century, as there were close ties of kinship linking the clergy with the aristocratic and gentry classes.⁶

More difficult to identify are those magistrates who had enough property and social standing to be nominated onto the bench, yet drew the bulk of their income from active involvement in trade or manufacture. In the 1875 Parliamentary Return of occupations of magistrates, the clerk of the peace has unfortunately returned such individuals simply as gentlemen, although the clerks of some counties were more precise. Therefore most of the information presented here has had to be culled from biographical sources and the number of 'middle-class' magistrates quoted in Figure 1 is probably an under-

6. F. M. L. Thompson; English Landed Society in the Nineteenth Century (1963) p. 5
C. Zangerl, (1971) op cit. p. 112

statement both in 1850 and 1874.⁷ In reality the term 'middle-class' is something of a misnomer. Writers concerned with the selection of justices in other counties in this period have demonstrated that a general unwillingness to allow men engaged in trade and manufacture on to the bench persisted until the 1880's at least. Those who did succeed in attaining this acknowledgement of status were more likely to be bankers and retired professionals such as Doctors of Medicine who had already been assimilated into county society.⁸ Despite such qualifying remarks, there were men with substantial manufacturing and professional connections on the Warwickshire bench, at both the points in time considered. In 1850 21 justices could be so categorised, most hailing from the northern half of the county. Three were men whose families had long been coalowners; Charles Newdegate, George Whieldon and William Stratford Dugdale. Two were members of the Webster family, ironmasters at Penns near Birmingham, while four were linked to banking firms in Birmingham and Warwick. The ribbon trade of Coventry was represented by Thomas Cope and T. S. Morris and two members of the Milward family, manufacturers of Redditch were also on the county bench. Added to these were two medical men,

7. Returns of Justices, PP 1875(338)LXI 397 ; PP1886(13-SessI) LIII 237 ; PP1881 (232) LXXVI 287; PP1888 (356) LXXXII 193.

Return of Owners of Land. PP 1874 (c1097) LXXII pt. 1 & 2.

A variety of general and local biographical works were consulted:

Burkes Landed Gentry (1852, 1873); Burkes Peerage;

E. Walford, The County Families of the U.K. (1879);

Kelly's Handbook to the Titled, Landed and Official Classes.

(1883); J. Dale, (Ed.), Warwickshire County Biographies (1905)

W.T. Pike, (Ed.), Contemporary Biographies No. 3 - Birmingham at the opening of the twentieth century (circa 1904)

W. Gaskell & G. Rickward Warwickshire Leaders, Social and Political, 1905; Dictionary of National Biography, (1885-1900);

F. Boase, Modern English Biography ; J. Venn, Alumni Cantabrigienses (1940); J. Foster, Alumni Oxonienses (1880).

8. W.C. Lubenow (1977) *op cit.* pp. 257, 263-67. Zangerl, (1971) *op cit.* pp. 119-23; R.J. Olney, (1979) *op cit.* p. 103

a Warwick solicitor, four Birmingham businessmen and a Warwick woolstapler who had become an M.P.⁹ These men may not comprise the total number of manufacturing and professional justices at 1850, but they demonstrate how the distinctions between trade and property were blurred. The Newdegates, for example, were an old gentry family who had long been involved with mining on their estate at Arbury and elsewhere in the coalfield district. The Milward's active connection with the manufacture of needles and fish-hooks had begun in Alcester and similarly derived from their position as an old county family.¹⁰ Landed income could be used to operate financial enterprises and exploit estate mineral resources, just as well as fortunes made from manufacturing allowed the gradual accumulation of landed property. Such links further support the argument that the isolation of 'middle-class' magistrates may be of dubious value in assessing the social background of the bench in the counties.

By 1874 biographical sources allow the identification of a greater number of manufacturing and professional men, twenty-seven in all. This increase in their numbers may be partly due to an improvement in the sources, in that the 1875 Return listed manufacturing occupations for county justices who were also Borough Magistrates, although those who sat solely for the county were still listed merely as gentlemen. Although the size of the bench had increased from 130 to 175, and a smaller proportion of men were resident in the south of the county, the extra magistrates seem to have come

9. The two Doctors of Medicine were Henry Jephson of Leamington and John Kaye Booth of Birmingham. The woolstapler was William Collins, Borough M.P. in 1850 and 1851, Warwick Mayor 1836.

10. Contemporary Biographies op cit. on Milwards, p.73; For Newdegates see A.W.A. White, 'A Warwickshire Colliery during the Industrial Revolution' Warwickshire History. vol. II No.3 1973 p.4

not from the manufacturing districts, but from outside the region altogether, one resident as far afield as Devon. This may well indicate that, as Olney described in the case of Lincolnshire, extra justices of the right social background were being sought outside the county rather than among more local men whose main activities were in trade.¹¹ The 'middle-class' justices on the 1874 bench were less confined than previously to the banking, coalowning and professional sectors and more obviously connected with manufacturing. They included three Coventry textile men; three members of the Muntz metal manufacturing firm of Birmingham; the two Milwards; a Birmingham newspaper owner, John Jaffray; and eight other businessmen. The coalowners, bankers and doctors now accounted for ten out of the twenty-seven magistrates in this group.

The largest group on the bench both in 1850 and 1874 remained the landed gentry and squirearchy. In 1850 70 out of the 130 justices listed could not be identified as belonging to any of the other groups, and most of these were resident in the agricultural southern half of the county. Of the forty whose landholdings could be ascertained using the 1874 return of landowners, 15 had estates of over 1000 acres, putting them broadly into the squirearchy and gentry category, while as many as 17 had small estates of under 300 acres. For the bench of 1874, the size of a greater number of gentry landholdings could be ascertained. Out of 79 known estates, 25 were over a thousand acres, 22 between 300 and 1000 acres and thirty-two landowners had less than 300 acres. As the Return purported to list all owners of land, it can be assumed that some of the 37 unascertained cases owned very small estates.

11. R.J. Olney, (1979) *op cit* pp 98-100

Figure 1. Socio-economic background of the Warwickshire Magistracy, and district of residence.

1850

	<u>No.</u>	<u>%</u>	<u>Rural South</u>	<u>Manuf. North</u>	<u>Outside</u>
Peers	19	15%	9	10	-
Clergy	20	15%	13	7	-
Manufacturing/ Professions	21	16%	4	17	-
Gentry & others *	70	54%	45	19	6
(- over 1000 Acres	15)	(11%)			
(- 300-1000 Acres	8)	(6%)			
(- under 300 Acres	17)	(13%)			
(unknown	30)	(23%)			
	130	100	71:55%	53:41%	6:4%

1874

	<u>No.</u>	<u>%</u>	<u>Rural South</u>	<u>Manuf. North</u>	<u>Outside</u>
Peers	22	13%	12	7	3
Clergy	10	6%	7	2	1
Manufacturing/ Professions	27	15%	6	21	-
Gentry & others *	116	66%	60	39	17
(-over 1000 Acres	25)	(14%)			
(-300-1000 Acres	22)	(13%)			
(-under 300 Acres	32)	(18%)			
(unknown	37)	(21%)			
	175	100	85:49%	69:39%	21:12%

Source: List of magistrates for the county taken from Whites' Directory 1850, and Kelly's Directory 1874. See Footnote 7 for biographical and landholding sources.

*Acreage of gentry and unknown status is shown in parenthesis.

These figures demonstrate that a fair proportion of the Warwickshire magistracy were gentry owning quite small estates and at neither date was the bench dominated by the larger landholders and aristocracy.¹² So the Warwickshire bench during the third quarter of the century was not subject to any dramatic changes in the social composition of its members. There was no real increase of 'middle-class' magistrates or of men drawn from the manufacturing districts and the number of aristocratic members remained fairly static. The absolute numbers of gentry and squirearchy on the bench grew, as did also the proportion of magistrates who were resident outside the county and perhaps less likely to be active members of the Quarter Sessions Bench.

Inclusion on the bench, however, did not necessarily mean that a magistrate would become an active member of Quarter Sessions or play any major role in the administration of county affairs and institutions. Zangerl measured the degree of activity of different social categories among the magistracy by their record of attendance at Quarter and Petty Sessions as returned by the Clerks of the Peace for the Parliamentary Return of 1888. Those justices who continued to attend by the year 1886-1887 were considered active.¹³ The present study required some more precise measurement of magisterial involvement with the work of Quarter Sessions. Many justices might attend the odd Sessions meeting, but rarely contribute to debates and never undertake administrative duties through membership of one of the numerous committees, doing the routine work of county government between Quarter Sessions

^{F.H.L.}
12. Thompson, (1963) *op cit.* for a general discussion of categories of landholdings.

13. C. Zangerl, (1971) *op cit.* p. 124

meetings. So committee membership of individual magistrates was examined along with their attendance record as reported in minutes and newspaper reports of Quarter Sessions. The results of this procedure are shown in the activity indices in Figure 2. Less than half of the total roll of county magistrates were highly active and an even smaller number of individuals played a leading role. Two kinds of assessment were made; the first was compiled from evidence from biographical sources and institutional records of committee members; the second, shown in Figure 2, was compiled from Quarter Sessions minutes for 1850 and 1875 recording attendances and membership of committees. The latter kind of activity index bore out fully the evidence based on biographical material.

The aristocrat magistrates, although not numerically predominant on the bench at mid-century, nevertheless played an active part in Quarter Sessions' business, five peers making major contributions. The most prominent of the active peers during the middle of the century was Viscount Lifford, whose seat was at Astley near Coventry. As a visiting justice of Coventry prison, he became intensely involved with prison reform and from the 1830's campaigned for the introduction of penitentiary discipline in the county prisons, antagonising most of the other justices from the Coventry division in his condemnation of Coventry gaol. He was also among those justices who ran the Stretton Juvenile asylum. A younger member of the bench in 1850, but gradually assuming a predominant role in the government of the county, was William Henry Leigh, who, as Lord Leigh of Stoneleigh, became Lord Lieutenant of the county in 1856. He was appointed to the bench in 1847 at the age of twenty-three, and was active in most aspects of Quarter

Figure 2 Degree of activity of the Warwickshire Magistracy at Quarter Sessions

<u>1850</u>						
	<u>Total J.P.s</u>	<u>No. Active</u>	<u>% of group</u>	<u>Involvement</u>		
				<u>High</u>	<u>Medium</u>	<u>Mild</u>
Peers	19	5	26%	-	2	3
Clergy	20	10	50%	2	1	7
Man/Prof.	21	11	52%	-	4	7
Gentry	<u>70</u>	<u>24</u>	<u>34%</u>	<u>5</u>	<u>6</u>	<u>13</u>
	130	50	38%	7	13	30
	—	—	—	—	—	—

(Total J.P.s taken from Whites' Directory 1850. In fact, 132 justices attended the Sessions during the year of 1850).

<u>1875</u>						
	<u>Total J.P.s</u> *	<u>No. Active</u>	<u>% of group</u>	<u>Involvement</u>		
				<u>High</u>	<u>Medium</u>	<u>Mild</u>
Peers	22	7	32%	3	3	1
Clergy	10	2	20%	—	—	2
Man/Prof.	27	9	33%	2	4	3
Gentry	<u>116</u>	<u>26</u>	<u>22%</u>	<u>6</u>	<u>11</u>	<u>9</u>
	175	44	25%	11	18	15
	—	—	—	—	—	—

*Taken from Kelly's Directory for 1874. Only 87 magistrates attended Sessions during the year of 1875.

Key

Involvement at Sessions measured according to attendance record over a twelve-month period and membership of committees during that time.

- High Involvement = regular attendance and membership of three or more committees.
- Medium Involvement = regular attendance and membership of at least one committee.
- Mild Involvement = Few attendances but member of at least one committee, or no committee but very regular attender.

Sessions work for the next half-century. The Earl of Warwick and his son Lord Brooke were active members of the prison committee, police committee and finance committee, while the Earl of Denbigh was another active figure around 1850. The level of aristocratic involvement in county government seems to have increased a little by 1874-5, when seven out of the 22 aristocrat magistrates were active. The five most heavily involved in Quarter Sessions work at this time were Warwick, Leigh, Brooke, Lord Dormer and Sir R. N. C. Hamilton, all resident in the central region of the county, within easy distance of the county town and the county institutions.

The clerical justices, by contrast, were less involved in county government in the 1870's than at mid-century, as well as declining numerically on the bench. Around 1850 about half of their number were heavily involved, between them furnishing members for finance and expenditure committees, visitors of the prison, reformatory, county asylum and licensed houses. Especially prominent were the clergy from the Coventry division of the county; Thomas Coker Adams of Coventry, James Roberts of Atherstone and Henry Bellairs of Bedworth took part in three or more of these activities. By the mid-1870's many had died or retired and not been replaced by clergymen on the bench. Only the Reverends Miller, Henry Mills and John Boudier all from the Warwick district, could be counted as mildly active justices.

Evidence on the degree of activity of 'middle-class' magistrates suggests that, although as a group their membership of committees, etc., was high, they were not the predominant group among the

active members of the bench and there is no evidence that they were becoming more involved by the 1870's. Nine can be found as members of at least one committee, and twelve were regular attenders, at both dates, but only three or four of these men could be classified as highly active county magistrates. The coalowner William Dugdale took part in the administration of the county prisons, lunatic asylum and finance committee.

Newdegate was a Tory M.P., from 1843 to 1885 but still found time to take part in Quarter Sessions committees and made his contributions to the debates about the county prisons which took place in the late 1840's. The banker Richard Spooner, who represented Birmingham in Parliament 1844-47, and North Warwickshire 1847-64, was active on the prison and asylum questions, while another Birmingham businessman, Joseph Ledsam, was active in connection with Birmingham institutions and the county prison and asylum. In the case of these busy men who also took part in county administration, one wonders how far their presence on some committees was only nominal. The biographer of the Websters of Penns, for example, notes that Baron Dickinson Webster, who was a member of the committee which planned the erection of a county asylum, was successful socially only at the expense of his effectiveness as the principal of a difficult steel manufacturing business.¹⁴

One would expect that the squirearchy and smaller gentry would have had more free time to devote to county business and the Warwickshire sources show that the gentry provided the largest number of active magistrates. Both at mid-century and in the 1870's just under 30 of these men were actively involved in Quarter Sessions business. It is true, in support of Zangerl's

14. J. Horsfall, The Ironmasters of Penns (Kineton, 1971) p.75

argument, that the gentry's involvement was low as a proportion of the large number of them who were members of the bench, while the other categories of magistrate did have better involvement records. However, with eleven gentry magistrates sitting as members of three or more committees in 1850, this group was the largest numerically among the group of justices who did most of the work of county government between them. Some of these active 'gentry' justices were among the wealthiest landowners in the county. Charles Adderley, for example, who was created Baron Norton in 1878, owned over two thousand acres of valuable property in the suburbs of Birmingham as well as collieries in Staffordshire. As M.P. for North Staffs from 1841-78 he was nevertheless active on Warwickshire Sessions' business. He took an active part in the establishment of the separate system in the county prisons, founded the Saltley Reformatory and was active in its management. He was visiting justice of Coventry prison in the 1840's and on the asylum committee in the 1850's. Even at the age of 75 he was still a visitor of Warwick gaol.¹⁵ More typical, however, of the smaller gentry, was William Dickins, who was Deputy and Chairman of Quarter Sessions from 1833 until his death in 1883. Dickins was a retired barrister who owned a small estate of around 240 acres at Cherington, near Shipston in the south of the county at some distance from the county town. Despite this, he rarely missed a Session and was Chairman of numerous committees, including the visitors of Warwick prison, the lunatic asylum and the Stretton Asylum. In his obituary, the local newspaper classified him as "the despised country squire of a Midland county" praising his example for demonstrating how much good could be

15. W. Childe-Pemberton, The Life of Lord Norton
(1909) p.278

contributed by such an active worker, in comparison to the majority of 'our country gentlemen who are apt to forget the universal application of the motto 'Noblesse Oblige''.¹⁶ Two other smaller landowners who contributed vastly to the organisation of county reformatory institutions and county government in general, were Edward Bolton-King who owned an estate of 165 acres between Banbury and Warwick and Charles Bracebridge with 270 acres at Atherstone, who took a philanthropic interest in prison discipline as well as contributing to the work of committees.

Thus, the group of magistrates who took most part in the administration of county government and public institutions in Warwickshire was still dominated during the third quarter of the century by the smaller gentry and squirearchy. The majority of county justices took little interest in attending Quarter Sessions and less when it came to membership of visiting committees for county institutions or special purpose police or expenditure committees. In 1875, out of a roll of 175 county magistrates, only 44 could be counted as active members of the bench, attending Quarter Sessions regularly or acting as members of at least one committee. Even among these active justices, the bulk of the work was done by a core of around twenty-five members who sat on several committees each. Picking out from this core group particular individuals demonstrates that these highly influential magistrates were not drawn from any one category of social standing. W. H. Leigh was titled, Dickins and Bracebridge were gentlemen with quite small estates, the clergymen Adams and Bellairs were active magistrates, as also were Newdegate and Joseph Ledsam of manufacturing connections.

16. M. Dickins, A Little History of Cherington and Stourton, pam. WCRO (1934) pp.54-55; Leamington Courier Aug. 25 1883.

Nor was political allegiance a major determinant of the degree of justices' involvement in county government. The majority of the county magistrates of Warwickshire were Conservatives, throughout the nineteenth century. Of those active justices whose political leanings could be ascertained, around two-thirds were Conservatives. There were, however, some prominent Liberal magistrates; Leigh, Bracebridge and Bolton-King were all Liberals and, during the first **ten** years of its existence, the asylum visitors' committee comprised eight Liberals, nine Tories and nine whose politics were not ascertained.¹⁷ It does seem that the Liberal justices were probably more active at Quarter Sessions than the Tories, in proportion to their numbers, but in no respect did their presence outweigh the Tory influence. Party preference cannot be equated with any particular standpoint on the establishment of new institutional forms. Although Bracebridge and Leigh were pioneers of reform in the treatment of deviance, it will be seen that Bolton-King's sympathies lay with the ratepayers. One example will demonstrate how risky a business it would be to try to attribute the shape of county government and institutions to the activity of any particular type of magistrate. In the late 1850's the committee of visitors to the county lunatic asylum was comprised of 23 magistrates but the minutes of meetings show that only Lord Leigh, two gentry justices and one banker can be counted as regular attenders.¹⁸ Whichever social group predominated on the

17. WCRO: South Warwickshire Poll Books, 1865;

South Warwickshire Conservative Association Minutes
1880-81 (WCRO C.1397);

South Warwickshire Liberal Association Minutes, 1836-52 (WCRO CR1097,
Warwick Advertiser April 29, 1865. 333)

R. Quinault, 'Warwickshire Landowners and Party Politics
1841-1923' (PhD. Thesis, Oxford 1975) pp.114-116

18. All four were Liberals.

Warwickshire bench, active magistrates were atypical of their class as a whole. Shifting the focus from public institutions to the field of the Poor Law and private philanthropy, the discussion which follows shows that the magistrates who took an active interest in deviance and its treatment or control at the level of Quarter Sessions, extended that interest into other sectors of activity. It seems more likely that a distinction should be made between the active members of the bench and the disinterested majority, who nevertheless could put up considerable opposition to innovations such as a new prison if they turned up to vote at Sessions. Before moving on to discuss the influence of these members of the bench, however, the links between the active magistrates and institutional provisions outside the jurisdiction of Sessions will be examined.

III

COUNTY MEN: THE ADMINISTRATION AND PROVISION OF PUBLIC AND PRIVATE INCARCERATION

Although the business of Quarter Sessions and the administration of Poor Relief were separate, magistrates were made Poor Law Guardians ex officio and most Warwickshire Boards of Guardians had several magistrate members. Many of the Boards were chaired by a J.P. but the magistrate Guardians were always outnumbered on the Board by the local tradesmen, shopkeepers, farmers and clergymen who made up the bulk of Guardians.¹⁹ The Warwick Board in 1866, for example, had six magistrates among 49 members in all. Active magistrates seem also to have been those most likely to take an active part in the work of Boards of Guardians. Five of the magistrate Guardians for the Warwick Union were highly active at Quarter Sessions; Lord Leigh, J. T. Arkwright, R. Greaves, Thomas Lloyd and Major Machen.

19. R. J. Olney. (1979) op cit. p. 134.

William Dickins, Chairman of the bench was Vice-Chairman of the Shipston Guardians, William Dugdale chaired the Atherstone Board and the Reverend Perkins, an active Coventry J. P. was also on the Foleshill Board.²⁰ The magistracy could not wield the same power as Guardians, however, as they did in county government. There were always enough of the lesser worthies on the Board to override the views of the magistrate members, if these differed from their own. Interests frequently did diverge. Charles Adderley was unable, for example, to convince the Meriden Board in 1853 that a district pauper school was needed for the Union.²¹ Bracebridge publicly criticised the Atherstone Board at a Quarter Sessions in 1853 for their submission to the bench of a petition against the planned building of the new county gaol and gave other instances of their 'false notions of economy'. They had sacked the schoolmistress of the workhouse and not replaced her, refused to pay a chaplain and rejected Bracebridge's suggestion that liquid manure from the workhouse be drawn off to a tank and used to fertilise the workhouse garden. Bracebridge himself had personally financed the new sewage arrangements and had found enough to pay the chaplain's wages through donations from his own friends.²² In general, it seems such magistrates were more concerned with innovation than with economic management of the Poor rates, but they were frequently outvoted in their attempts to introduce change. In particular,

20. Warwick Guardians Minute Book for 1866, the return of No. of attendances during 1866-67 is at 16.3.67 Other examples include Bellairs, Chairman of Bedworth Guardians in 1850; Freer, Chairman of Stratford Guardians in 1853; Caldicott, Chairman of Rugby Board 1850-79.

21. W. Childe-Pemberton, (1909) *op cit.* p.136

22. Reported in Leamington Courier July 2, 1853.

Boards of Guardians in Warwickshire were opposed to the efforts of some magistrates on the bench to improve the discipline and accommodation in the county prisons, their opposition rooted more in a dislike of increased rates than any dislike of the separate system. In 1847 and again in 1853, the Guardians added their pleas to the ratepayers' petitions against the expense of a new county prison. Opposition to the county asylum was practised more subtly by most unions in simply retaining lunatic paupers in the workhouse for as long as possible, a practise only ended in 1874 by the grant of a Government capitation subsidy.

Charles Bracebridge's private intrusion into the work of the Poor Law Guardians exemplifies the kind of private philanthropy which had a long tradition in the field of institution building. Private charity, like public policy, subscribed to the idea of the institution, and Chapter two has described the variety of charitably-funded establishments which existed in the county from early in the century. For the most part, these institutions remained out of the control of the Quarter Sessions bench, but an examination of the active managing committee members of private 'asylums' indicates that privately and publicly-funded institutions cannot be seen as functioning independently of each other. The juvenile reformatories are a case in point. The Stretton Asylum set up in 1818 was funded by donations but managed by magistrates acting in a private capacity, many of whom were also on the boards of visitors of the county prisons and House of Correction. Typically it was those justices most active at Quarter Sessions who formed the Stretton committee. In the 1840's the committee included Lord Lifford, Bracebridge, the Reverends Pilkington and Adams and T. G. Skipwith, Bart., a landowner in Rugby district.²³ It was through the efforts of these men that the

23. Minutes of Quarter Sessions, QS39/19

reformatory campaign was taken up by the county bench and the reformatories eventually brought under the official wing of county rates and county government. The Saltley Reformatory was founded by Adderley, who took an active part in its management, while the Girls' Reformatory at Tile Hill seems to have been a joint effort between Adderley, Leigh, Mrs. Bracebridge and Lady Leigh. So in the case of the reformatory private funding could never have been equated with institution autonomy from the influence of county government.

Other types of charitable institution demonstrate similarly that those magistrates most active on the bench were also heavily involved with private charity. The Coventry and Warwickshire hospital numbered among its vice-presidents William Dugdale, Sir J. Eardley-Wilmot (the original founder of the Stretton Asylum), Charles Newdegate and Lord Leigh. One of the few clerical magistrates to remain active on the bench into the 1870's was the Reverend Pilkington, who was an active governor of the Warneford Subscription Hospital in 1867. John Campbell, a Rugby magistrate who was on the county asylum committee and a regular Sessions attender in the mid-1870's was so heavily involved in local societies and institutions in Rugby that he was described as "the standing Chairman of the town."²⁴ When the founders of the Dorridge Grove Idiot Asylum began to promote its conversion into a public subscription asylum for the whole county, public meetings at both Leamington and Birmingham were well-attended by local worthies. Both meetings were chaired by Lord Leigh and at Leamington the motion was seconded by Thomas Lloyd, a member of the Birmingham banking family living in

24. Whites' Directory of Warwickshire (1850) pp.492-493

Leamington Courier Jan 5, 1867.

R.J. Satchell, A Brief Account of the Rugby Magistracy
(1905) WCRO pam.

Warwick. Lloyd was already a visitor to the county asylum and also a Birmingham Guardian, and commented on his experiences of imbeciles in the Birmingham workhouse. Leigh and G. F. Muntz, of the Birmingham metal manufacturing family joined with the two doctors who founded the asylum, to form the first committee of management.²⁵ The lists of committee members in Figure 3 by no means covers all institutions at any one time, but indicates the high involvement of the magistracy with privately-run establishments.

Clearly, one major link between the charitable institutions and the county magistracy was the importance of financial patronage by the wealthy. These men numbered among them the richest in the county and as Quinault has pointed out, by the late 1860's there was hardly a county family which did not have a representative on the commission of the peace.²⁶ The principal benefactors of an institution would be made President and Vice-Presidents and thus have access to the governing committee. Thus, Leigh was President or Vice President of numerous local charities ranging from the Coventry and Warwickshire hospital and the Knowle asylum, to the Leamington Literary Institute and Provident Dispensary.²⁷ How far were such posts merely nominal, an honorary title in gratitude for financial support? This suspicion was nicely phrased in the annual Charities Register of 1904:

Inquiry not infrequently proves that the display of names on the cover of a society's report is entirely deceptive. The committee are men of straw; the patrons know nothing of the institution, never make use of it and support it only by giving their names; the officials are sometimes absolute managers, sometimes even managers primarily in their own interests. 28

25. Leamington Courier Dec 14, 1867.

26. R. Quinault, (1974) op cit p. 187

27. Whites' Directory 1850; *ibid*, 1874.

28. Reformatory and Refuge Union (1904) op cit p. xxi

Figure 3. Members of Committees of Private Institutions

Stretton Juvenile Reformatory.
1851

William Dickins
Lord Viscount Lifford
Rev. T. C. Adams
William Holbech
Col. Fielding
Theodore Price
C. H. Bracebridge
T. G. Skipwith
Rev. C. Pilkington
John Fullerton

(All magistrates)*

Coventry Industrial Home and
School (1869) [Founded 1846]

Patroness: Lady Leigh*
Committee: Mrs. Cash
Mrs. Delf
Mrs. Pears*
Mrs. Frankline
Mrs. Bourne
Mrs. John Rotherham*(1873)
Mrs. Wilson
Mrs. Crofts
Mrs. John Bill
Mrs. Baynes
Mrs. J. Cash
Mrs. Medwin Hands
Treasurer: Mr. A. H. Pears*

Allesley Reformatory Farm
for Girls. 1869
[Founded 1856] ?

Committee: Lady Guernsey*
Mrs. Bracebridge*
Lady Leigh*
Mrs. Wren Hoskyns*
Lady Mordaunt*

Bedworth Almshouses 1840

Governors: Aylesford*
Rev. T. C. Adams*
W. T. Bree
Rev. Bellairs*
W. S. Dugdale*
Hon. C. Finch
C. N. Newdegate*

Knowle. Midland Counties Idiot Asylum
1872

Committee: Lord Leigh*
G. F. Muntz*
Dr. Bell Fletcher*
Mr. J. H. Kimbell (surgeon)

*Magistrate or Magistrate's Wife.

Within the scope of this study it is not possible to assess the truth of this statement in regard to specific institutions, as our focus is essentially on the public and not the charitable establishments. It can be shown, however, that for at least a handful of the magistrates who were involved in private charitable institutions, commitment was far from being merely titular.

One of the most active public figures in the county was William Henry Leigh, who succeeded to his title of Baron Leigh of Stonleigh in 1850 when twenty-six years of age, and became Lord Lieutenant of the county in 1856. Leigh was the largest landowner in the county with nearly 15000 acres in Warwickshire and around 6,000 in neighbouring counties. The family seat was at Stoneleigh, midway between Warwick and Coventry, within easy reach of the centres of Coventry, Warwick and Leamington. Leigh appears to have had early Parliamentary ambitions, having contested unsuccessfully the Northern Division of the county in 1847 as a Liberal, but after his succession to the title seems to have assumed wholeheartedly the role of county leader. Besides his close involvement with the county prisons, lunatic asylum and numerous other Quarter Sessions committees, there is ample evidence of Leigh's active personal involvement with county institutions both public and private. He was closely connected with the Weston Reformatory after 1855, leasing land for the establishment at a nominal rent, employing ex-inmates on his estate and well-known enough personally to them to receive visits from reformed characters long after their having left the institution.²⁹ His interest in the Warneford

29. A. Rollins, B.A. Diss. (Law Dept. Warwick 1978) op cit. p.27; Weston Reformatory, Report of Justices Committee on Juvenile Reformatories to Quarter Sessions Jan. 1855 (W&RO QS2/2)

Hospital dated from around 1850 but he became more active later as president and visitor.³⁰ He was a diligent attender at county asylum committee meetings and his membership of the small committee of four, at the establishment of the Knowle asylum, must have necessitated more than passive involvement. In 1867 Leigh was a member of the Warwick Union Board of Guardians and a fairly regular attender of meetings. Leigh's brother, the Reverend James Leigh, Vicar of Leamington, was a teetotaller and Leigh himself an active advocate of Temperance.³¹ The Leigh family may have had especial interest in the treatment of the insane in the county, as a result of family experience. Their branch of the family had succeeded to the Stoneleigh estate following the death of the fifth Lord Leigh, who for 13 years from 1773-1786 had been kept under restraint there as a lunatic.³²

At the age of thirty Leigh was described in a private letter as 'the handsomest, most good-natured, least assuming person possible' but twenty-five years later another description evokes a more public image:

He ranks in his own county, next to the Queen and Prince of Wales....to be seen either commanding his troops of yeomanry cavalry, riding hard after hounds, presiding at innumerable public meetings or at Freemasons' festivities, laying foundation stones, or opening a coffee tavern, a village flower show, etc. 33

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- W. A. James,
 30. A summary of the Origin and Development of the Warneford, Leamington and South Warwickshire General Hospital and Bathing Institution 1806-1948 (1948) WCRO pam. p.7
31. Leamington Courier Aug. 12, 1880: 'A Biographical Sketch of Lord Leigh extracted from The Biograph, issued by Mr. E. W. Allen, Ave Maria Lane, London.'
32. Rev. Canon H. Parks, F.S.A., 'Stoneleigh Abbey'. Birm. Arch. Soc. Trans 1960-61 vol. 79.; V.C.H. vol. 6 op cit. pp. 233-34
 My thanks to Dr. Joan Lane for this reference.
33. The Complete Peerage. p571. Letter of the Hon. Mrs. Twistleton, 16th June 1854; Leamington Courier August 12, 1880.

The key to this glowing description of the life and duties of the 'county man' lies in the phrase '... to be seen ...' For this brand of philanthropy was strongly visible, serving to restate values of paternalist ties between Lord and pauper. Leigh was fond in his speeches as President of various charitable establishments, of recounting anecdotes of visits from ex-prisoners and ex-reformatory inmates.³⁴ At a meeting of the supporters of the 'Grays Yard Ragged Church and Schools' in London, of which Leigh was President, he told how a 'miserable fellow' had approached him after one of the church services, to ask how his Lordship was, remembering him from Warwick prison. The man was, needless to say, now doing quite well.³⁵ As a member of the Warwick Guardians, Leigh presided, along with his clerical brother and the Reverend Whitehurst, at the workhouse New Year's Party, in 1867. The presiding Guardians, Leigh at the centre, were seated behind a high table, bowing under the weight of a large tub, disguised as a huge baked pie with a real crust and filled with presents of workboxes for the girls and books for the boys.³⁶ Such ritual and ostentation of charitable intentions was not lost on its recipients;

34. e.g. at annual meeting of the Discharged Prisoners Aid Society, Warwick, reported in Leamington Courier June 2, 1883.

35. Speech reported in same issue of Leamington Courier.

36. Reported in the Leamington Courier January 5, 1867. The occasion nicely demonstrates the ambivalent relationship between charity and social control: The festivities included readings by Leigh and others, a song by Dr. Nunn, the prison surgeon and other contributions from local worthies. Towards the end of the party Leigh delivered a speech to the gathering, directing his advice especially to the children;

'... Many of you no doubt feel that you ought to be and also wish to be in a better position than what you are at present. Do not encourage that feeling or that wish in a discontented way. Recollect that you are in the position in which God has placed you wisely for a time. Do your duty in that state whilst you are in it and you will be equal before God to the highest person in the land ... if you cannot rise to the highest ranks of life, you will rise higher than you are now and become useful members of society, earning your honest bread....'

Leigh's presence and power pervaded even the 'delusions' of inmates of the county asylum. One man believed Leigh was responsible for his confinement and wrote that he could not see what good it did Lord Leigh to keep him shut up.³⁷

Charles Adderley was Leigh's brother-in-law and close friend and could also be included in this category of paternalist philanthropist. Although much of Adderley's time was taken up with his Parliamentary business as Conservative M.P. for North Staffordshire, he still found time to be a prominent man locally. A strictly religious man, his chief personal involvement with institutions was with the Saltley Reformatory, which he set up privately on his own estate in the early 1850's. He attended the Edinburgh Reformatory Conference in 1853, taking another Warwickshire justice, Charles Bracebridge, with him and maintained personal contact with the Saltley institution by occasionally having the entire school up to his seat at Hams Hall for 'an afternoon's recreation'.³⁸

In Parliament he attempted to further his belief that the reformatory schools should be separated from the penal system and put instead under the Education Authority, although he never succeeded.³⁹

36 (continued from previous page)

The chaplain and workhouse master then proceeded to hand out the children's presents and the event was rounded off with two more songs and the National Anthem. The local newspaper's report ended with a phrase to touch the hearts and salve the souls of the ratepayers; 'It was a most pleasing sight to see the eyes of the children glistening and hands stretched out when the prizes were given.'

37. Warwick County Lunatic Asylum Visitors Book, 11th March 1889, (WCRO, CR1664/43) letter from a patient to Mr. J. M. Oldham, asking for him to procure his release.

38. W. Childe-Pemberton, (1909) *op. cit.* pp. 54, 130.

39. *ibid* p.130

His involvement locally did not always win him Leigh's degree of popularity; his personal intervention to prevent a local prizefight from taking place in 1848 was met with stonethrowing by the spectators at the fight, but such incidents underline the way in which these men cast themselves in the role of protectors of public morals in their county and took the duties of their leading position seriously.⁴⁰

Another active magistrate well-known as a philanthropist, whose personal intrusion into the working of the Poor Law in his own district was described earlier, was Charles Holte Bracebridge. Outside the county Bracebridge and his wife Selina were best known for accompanying Florence Nightingale on her nursing expedition to the Crimea. Long before this though, the Bracebridge's had taken Florence to Europe with them, visiting numerous examples of the new total institutions on their travels. Bracebridge was one of the original members of the Social Science Association and contributed several papers. From the 1830's he became interested in penitentiary prison discipline and juvenile reformatories, in 1845 producing a pamphlet in support of the separate system to counter fierce opposition to its introduction locally. According to the Nightingale biographers, he was a somewhat flamboyant character, had fought

40. *ibid* p.63. For a discussion of the suppression of working class leisure and prizefighting see R. D. Storch. 'The Problem of Working Class Leisure, some roots of middle-class moral reform in the industrial North 1825-50,' in A.P. Donajrodski, (1977) *op cit.* pp. 152-3

in the Turkish revolt and had some acquaintances in the circle of intellectuals of which George Eliot was a member.⁴¹ Locally, Bracebridge had stood unsuccessfully as Liberal candidate for the Northern division in 1837. He was a close friend of Leigh and Adderley and although the latter described him as 'puzzle-headed', he was active both on Quarter Sessions and privately. He was one of the justices who ran the Stretton Reformatory and remained as visitor after it became the Weston Reformatory. As visiting justice of the Coventry prisons he was closely involved with setting up the new prison discipline at the County Prison, was a member of the Lunatic Asylum committee and Chairman of the Atherstone Dispensary.⁴²

Others could be cited who took more than a passing interest in the idea of the institution. Two justices, for example, showed their knowledge of the issues surrounding prison reform in the debates at Sessions concerning the separate system. The Reverend Thomas Coker Adams was morally opposed to the new system because, he said,

41. Obituary in Leamington Courier, July 20, 1872 p.8; E. Huxley, Florence Nightingale. (1975), pp.34, 41, 71; L & E. Hanson, Marian Evans and George Eliot. (1952) pp.76, 218. Bracebridge had employed Marian's father as his agent at one time, and Marian Evans herself was taken to dine at the Bracebridge's by Harriet Martineau. C. H. Bracebridge, A Letter to the Magistrates of the County of Warwick on the Report of the Committee for building a new Gaol. 1845. pam. (WCRO C.352. Bra(P))

42. W. Childe-Pemberton, (1909) op cit. pp 137, 149
Atherstone Dispensary Minutes, (CR258/483 WCRO)
Nuneaton Diary, vol II 1825-45, (WCRO B.NUN nun)

it punished the mind rather than the body. One of the chief promoters of the Stretton Asylum, Adams was an active magistrate until his death in 1851 and was involved privately in the field of education reform. He managed the National Central School at Coventry as a training school for teachers, which he had helped to establish and which foundered after his death.⁴³ Charles Newdegate was also opposed to the new prison discipline, and was well-informed enough to have visited the prison penitentiary at Philadelphia in America.⁴⁴ These men represent only a handful of the Warwickshire magistrates and further biographical research might well reveal others among the active justices who were genuinely involved in running and aiding the institutions to which they gave their patronage. They were certainly not typical of the bench as a whole but they were those most frequently found as members of institution committees, both public and private. This handful of men dominated county government and many were active throughout most of the latter half of the century. Leigh remained involved until a few years before his death in 1905; Adderley was still busy in the 1890's and died the same year as his brother-in-law; William Dickins died in 1883 and was succeeded as Chairman of Sessions by his son; Bracebridge and Bolton King died in the 1870's. Between them, although sometimes opposing each other, this group of hardworking

43. Obituary in Leamington Courier, November 1, 1851;
 Quarter Sessions Report in Leamington Courier, April 12, 1845.

44. Newdegate's particular institution interest, however, was with nunneries, for many years leading a campaign to regulate and inspect them. W. L. Arnstein, Protestant and Catholic in Mid-Victorian England - Mr. Newdegate and the Nuns (1982) pp.220-221.

justices organised imprisonment, juvenile reformatories, and the care of the insane. At the same time, they exerted and extended their influence into the fields of private hospitals and asylums and the Poor Law. Their overarching influence on the pattern of incarceration in the county makes it less plausible to speak of a divide between the spheres of publicly and privately-funded institutions. Whatever the balance between the sources of financial input, it was essentially the same people who established and organised a wide range of public and private establishments.

Two problems arise from the finding that only a small core of county magistrates played a major role in the organisation of incarceration in Warwickshire. Firstly what implications does this have for the issue of the motivation for such intense activity in furthering the idea of the institution? In their own terms the source of such involvement for the active justice lay, as Leigh phrased it when defending his advocacy of the separate system, in 'strong moral grounds and a wish to do his duty'.⁴⁵ It has been shown that such adherence to the principle of noblesse oblige was firmly rooted in paternalism. Ignatieff has seen the 'penitentiary' as the response of a class trying to maintain the old values of deference in a society which was rapidly exposing the one-sidedness of the deference-paternalism relationship.⁴⁶ It would be possible to see the intense personal involvement with the total institution of the magistrates identified here as part of such a struggle. Yet not all the incarcerative institutions set up at this time were for

45. Leamington Courier, April 9, 1853.

46. M. Ignatieff, (1978) op cit p.184

the treatment of deviance among the poor. Some, like the Knowle Asylum, were established for the institutional care of the sick and insane of the 'middle ranks' of society and fit uneasily into a perception of the institution as a class tool.⁴⁷ The second problem to be dealt with is that if only a small group of magistrates took an interest in institutions and incarceration, can it be automatically assumed that they did so with the assent of the other members of the county bench? The bulk of the magistracy, especially in the 1870's, was inactive in this sphere and contributed little beyond the odd charitable donation towards the pattern of institutions in the county. Those men who took it upon themselves to become involved in county business and philanthropy may have reflected in the structure and content of their response, some wider social need, but the very fact of their contribution makes them untypical of their class as a whole.

It is evident that opposition to the introduction of new penitentiary and asylum systems of treatment for offenders and the insane was strong enough in Warwickshire to delay the coming of the separate system until 1861 and left the provision of a public asylum until the compulsory legislation of 1845. The Chapter which follows examines in more detail the forces which opposed institutional innovation at the county level and what changes were necessary in attitudes before the new systems could be accepted.

47. . Reports of Midland Counties Idiot asylum. (WCRO QS24/3/1)

CHAPTER FOUR: THE PROVISION OF THE SEPARATE SYSTEM AND A COUNTY
LUNATIC ASYLUM IN WARWICKSHIRE

I

Resistance to the provision of a new prison on the separate system

During the decades of the 1840's and 1850's the county benches were required by national Government to make major changes in local provisions for the punishment of crime and the treatment of the insane. Neither of these changes was accepted by the Warwickshire magistracy without dissent. The question of reforming the county prisons was without doubt the most sensitive of these two issues. It raged over two decades of county administration and crucial votes brought on more than one occasion the rare sight of an almost full Sessions Chamber. Debates were fully reported in the county newspapers, two of which, the Warwick Advertiser and the Leamington Courier have been used to supplement the less detailed official records of Quarter Sessions. They provide evidence of a divided magistracy. The Warwickshire bench had not been an innovative one in the field of penitentiary discipline and in the 1840's the gaols at Coventry and Warwick were still overcrowded, noisy places where prisoners worked in association and slept sometimes six to a cell.¹ Legislation under The Prison Acts of 1823 and 1839² had entrusted magistrates with implementing new forms of classification and penitentiary-style discipline but this was impossible in the old buildings of Warwick and Coventry prisons. It was impossible to introduce the separate system or even to provide separate sleeping cells without major expenditure on altering the structure of the prisons.

1. WCR0: Minutes of Quarter Sessions, Easter 1844 re. Warwick Prisons and January 1845 re. Coventry gaol. (QS/39/19).

2. 4, Geo 4 c 64 and 2 & 3 Vict. c.56.

By the 1840's the county gaols were in a state of crisis. They had to accommodate prisoners from Birmingham, while the rapid growth of the Spa town of Leamington meant that the problems of urban petty crime had come quickly to what had previously been a rural district.

Procrastination during the 1830's was encouraged by hopes that Birmingham would provide its own prison, while active magistrates interested in prison reform spent much of the decade informing themselves about the silent system. By the 1840's reports of cases of insanity occurring under the silent system had led to a general waning of enthusiasm for it, but the opening of Pentonville Model Prison in 1842 convinced Lord Lifford, one of the visiting justices of Coventry gaol that the system practised there of silence by day and separation by night should be introduced into the county prisons.³ He began a campaign to convince other members of the bench in January 1844, his main argument the familiar one of the prevention of contamination of young and first offenders by contact with hardened criminals. Although he pointed out that such association easily turned the poacher into a rickburner, the bench chose to ignore the 'political advantage' of separation and rejected the motion to adopt the new discipline and enlarge Coventry gaol. At the October Sessions the visiting justices restated that it was impossible to comply with their legal obligation to provide separate sleeping cells, without some reconstruction of the prisons. In a political climate of Chartist activity, Lifford pointed out the dangers of contamination:

In the hands of men whose revolutionary principles led them to oppose everything in the shape of moral and religious improvement, such persons (the impressionable first-offender) would at all times prove themselves a dangerous weapon. ⁴

3. Leamington Courier Jan. 6 1844, April 12 1844.

4. Leamington Courier October 19, 1844.

This time the Sessions Assembly voted to revive the original committee to investigate the question of introducing the new discipline into the county gaols. The committee, composed chiefly of visiting justices of the county prisons including Lords Lifford and Brooke, Sir John Mordaunt, Bracebridge and Charles Adderley, reported in January 1845 that the two gaols were 'little better than schools of vice and depravity.'⁵ Communications between the committee and Major Joshua Jebb, the Home Office's advisor on the construction of local prisons, resulted in a proposal to build an entirely new prison for the county. Jebb made a personal attendance at the Quarter Sessions to persuade the magistrates that a new prison would be in line with Government plans for a uniform prison discipline throughout the country. The estimated cost of a new prison built just outside Warwick for 300 prisoners, to be the sole prison for the county, was £37,936 and it was decided that this would be cheaper than an alternative plan to consolidate the two Warwick prison buildings into one county prison.

It was at this point, however, that opposition to the proposed changes began to gather strength. Three clerical magistrates from the North of the county, Reverend Adams of Coventry, Henry Bellairs of Bedworth and J. C. Roberts of Atherstone tried to delay the motion by deferring discussion until the next Sessions. Roberts, Adams and the Reverend Heming of Fenny Drayton near Nuneaton had already voiced concern at the separate system's effect on the sanity of prisoners and the injustice of imposing separation on prisoners awaiting trial. Adams in particular was opposed to the theory behind the separate system: 'The old system was to punish the body,

5. WCRO. Quarter Sessions, Jan. 1845 (QS 39/19)

the proposed change was not to punish the body but to punish the mind.' He believed it was preferable to punish the body than to run the risk of damaging the intellect. Such traditionalist arguments, however, were accompanied by more down-to-earth considerations. Adams and Bellairs were opposed to Jebb's plan also because it chose Warwick as the site of the new gaol. Warwick was not the most central place in the county for justices from the Northern districts, who were loath to lose the convenience of a Coventry gaol and the right to hold a Sessions for criminal trials there. Despite these vociferous protests from the Coventry clergymen the motion was nevertheless carried by a very full bench of magistrates by 23 votes to 13 and the plans were submitted to the Home Secretary.⁶

By now, however, sufficient publicity had been given to the gaol question to alarm the county ratepayers that they might be called upon to finance what many of them still saw as an 'experiment' in prison discipline. A large section of the ratepayers were tenant farmers, already suffering financially from the depression in agriculture and in no mood for a rise in the rates. At the midsummer Sessions, petitions from fifteen out of the sixteen divisions of the county were presented signed by 3305 persons representing 268,203 acres, asking that the subject be delayed until more complete evidence could be presented by the committee of the cost of the proposal. A. F. Gregory, a justice from Stivichall near Coventry declared 'if I can do anything to stave off this question Session after Session, I will do it.' When the motion to build a new gaol was carried for the second time at the midsummer Sessions by a majority of only two votes, activity outside the ranks of the

6. *ibid.* April 12 1845

magistracy intensified. An impromptu meeting after the August cattle fair was organised by Thomas Umbers, a local yeoman farmer, and this convened a larger gathering of around 300 ratepayers on 23rd August. According to the *Courier*, most of the men attending the meeting were tenant farmers from the Northern district of the county, who had already had to finance the rebuilding of Coventry prison in the 1820's and saw a new county prison as an unnecessary expense. Their only opposition to the separate system itself seems to have been that it was still in their opinion an experiment in prison discipline, which they had no inclination to subsidise. The memorial sent from the meeting to the Home Secretary stated that the ratepayers were opposed to 'solitary imprisonment' but its chief argument concerned the cost. There was suspicion that an ulterior motive of the proposal to build a new gaol was the removal of the Assize and adjourned Quarter Sessions from Coventry altogether, which would involve a great loss of time and money to anyone from the Northern division who had to attend at Warwick instead.⁷

With the *Leamington Courier* declaring its support for the scheme, and insisting that even a large outlay was justified if moral advantage would be gained, the public debate continued through the medium of letters to the county newspapers. Discussion centred particularly over the merits of the separate system proposed for the new gaol. Lifford wrote in the September 13th issue of the *Courier*, that his only motive was to end moral contamination among the prisoners by providing separate sleeping cells, not solitary confinement. William Hodgson, a tenant farmer of Stockton in the

7. Leamington Courier August 30, 1845.

South of the county, pointed out that there was little commonsense distinction between separate and solitary confinement and argued that the new systems were either still experimental or had been already proved ineffective in reducing crime.⁸ In October the county gaol threatened to become an election issue, when the death of Sir John Mordaunt created a vacancy in the southern division. The Times noted that the Liberal candidate Bolton-King was opposed to the alteration of the prisons, while Lord Brooke, the Conservative had given his support to the scheme, but the issue was avoided when Bolton-King decided not to contest the seat.⁹

A major debate on the gaol question took place at the October Sessions, with a large number of justices attending specifically on that account. Two days before the meeting, the county papers had printed a letter from Lifford stressing that separate sleeping cells were compulsory under the Prison Acts and claiming that the separate system had reduced recommitments. Further petitions were submitted to the bench from the Coventry Directors of the Poor and county ratepayers against the proposal. Despite a speech by the Chairman of Sessions, Mr. William Dickins, in which he asserted that the extra cost to each ratepayer would be no more than a few shillings a year, and around a pound on the very large payers, it was decided not to build a new gaol at Warwick, but to opt for a scheme consolidating the two old gaols into one, cheaper by three thousand pounds. The mode of discipline to be adopted was still an important issue though, and the debate at the next Sessions in January 1846 still raged over the mode of discipline to be adopted there. When the Rev. Adams said he 'could never believe the object

8. Leamington Courier September 13, and September 20, 1845.

9. The Times September 30, 1845.

of punishment was to break down the framework of a man's mind' there were cheers from spectators in the galleries, but despite such opposition to the new discipline, the motion to introduce it into a consolidated county prison was carried by 19 votes to thirteen.¹⁰

From then on the procedures were hampered by bureaucratic complications. The consolidation of the Warwick prisons involved altering the town street plan by a separate Act of Parliament. In January, 1847 came the Home Secretary's letter announcing the suspension of transportation, both sides using the new situation to argue their case of further delay or pressing on with the plans. Throughout 1846 and 1847 argument both inside and outside the Quarter Sessions continued over the need for a new county prison and the mode of discipline to be adopted there. Charles Newdegate circulated a pamphlet by Peter Laurie, the President of Bethlem Asylum and visiting justice of Coldbathfields Prison which blamed the separate system for a rise in the numbers of insane prisoners admitted there, while at the Easter Sessions in 1847 petitions against changing the county's prison system were presented from ratepayers representing three quarters of the Warwickshire parishes. At that Sessions, with a record bench of fifty justices, the motion for the new discipline was just carried by 26 votes to 24.¹¹

10. Leamington Courier October 11 & 13 1845, January 10 1846.

11. WCRO., Quarter Sessions, January 1847 (QS 39/19); Leamington Courier Oct. 24 & 31. 1846, January 9 1847. P. Laurie, Killing no Murder, or the effects of separate confinement on the bodily and mental condition of prisoners in the Government prisons. (1846) pam. A minor scandal concerning homosexuality among the prisoners was reported by the prison Chaplain and the newspapers in October, 1846, which underlined the problems of the crowded Warwick prison sleeping cells.

Why was the adoption of the separate system so opposed by the Warwickshire magistrates? Altogether in the debates from 1846 to 1847 fifty-eight justices cast their votes, thirty-one against the new prison and the new discipline and twenty-seven in favour of it.¹² .. Not all of these magistrates attended all of the Sessions during that time so because more of the anti-separate system justices were poor attenders, the vote was won by a small majority in favour of the new prison each time. A detailed analysis of the justices who voted was made on the basis of social background, activity at Sessions and residence. It was expected that the justices with manufacturing or professional connections would be supporters of the penitentiary idea, which embodied so many of the values of bourgeois rationality, but the results were surprising.¹³ The three coalowners Newdegate, Dugdale and Whieldon all came out against the new scheme, Newdegate in particular showing concern about the effects of the separate system on the sanity of the prisoner. Dickinson Webster, the ironmaster was also against the new system, although he had changed his mind by 1849, while the Warwick woolstapler, William Collins also opposed the new gaol. The peers and baronets, however, seem to have been largely in support of Lifford's campaign. Most of those who spoke at the debates such as the recently appointed W. H. Leigh and Lord Brook of Warwick Castle, used the familiar arguments of the prison reformers and expressed their distaste for considerations which placed economy above moral improvement. The clergy and gentry groups were about equally divided between supporters and opponents of altering the prisons. Probably the

12. Lists of voters for and against, are taken from the three crucial votes of January, 1846, **January 1847 and July 1847, reported in Leamington Courier Jan. 10 1846; Jan 9 & July 3 1847.**

13. M. Ignatieff, (1978) op cit pp.210-211, 215 and Chapter three; M. Ignatieff, 'State, Civil Society and Total Institutions' (1981) op cit pp.161-164.

aristocracy's geographical mobility and links with London influenced their support for reforms which had been made decades ago in some parts of the country and were now Home Office policy. The more parochial justices, whether men of the cloth, the gentry or manufacturers, needed more persuasion before they would accept new ideas.¹⁴ (Table 1.)

1. Social Background of 58 Warwickshire justices voting in the gaol debates of January, 1846, January, 1847 and July, 1847.

	<u>Total</u>	<u>For New Prison</u>	<u>Against New Prison</u>
Peers and baronets	9	8	1
Clergy	12	5	7
Manufacturing/professions	6	1	5
Others/gentry/squirearchy	<u>31</u>	<u>13</u>	<u>18</u>
	58	27	31

Was the degree of a man's involvement with the work of Quarter Sessions a factor in determining his support or opposition for the new innovation in prison discipline, with the most active justices in favour of it and the least involved magistrates remaining traditionalists? In a breakdown of the voting pattern according to activity ratings this does not seem to be the case. High activity was assessed to be membership of three or more justices' committees between 1840 and 1850, medium activity as membership of one committee and justices who did no more than cast their votes were registered as low activity. All these had, however, taken the trouble to come to meetings and some were regular attenders at Sessions. (Table 2.)

2. Activity rating of voters in the 1846-1847 gaol debates

	<u>Pro</u>	<u>Anti</u>	(New Prison)
High (3 committees plus)	8	8	
Medium (1-2 committees)	10	11	
Low (no committees)	<u>9</u>	<u>12</u>	
	27	31	

14. F. M. L. Thompson, (1963) op cit. p.20.

It will be seen that there is hardly any difference in the voting of these three groups. High activity justices were equally divided on the question and although the lower activity groups were perhaps slightly more likely to vote against the gaol, the margins are small. . . Political allegiance was an equally poor indicator of attitudes to the prison question and might well have split party support, had it become an election issue. Of the known Tory magistrates, 15 were in favour of a new prison and five against, while the 13 known Liberals were divided with six in favour and seven against. These figures are skewed, however, by the region of residence of the justices whose political sympathies were available, mainly those from the south of the county.

A far more important determinant of the way justices voted was their district of residence. The justices were divided into two groups roughly corresponding to the Northern and Southern Parliamentary divisions of the county. The northern region included most of the industrial districts; Bedworth, Nuneaton, Atherstone, Coventry, Rugby and Birmingham. The Southern half of the county had Warwick and Leamington as its major towns and covered the mostly rural area towards Banbury, together with the textile and small-scale industry of villages around Alcester in the South-West. (Table 3.)

3. District of Residence of voters in the 1846-7
gaol debates

	<u>Total</u>	<u>For</u>	<u>Against</u>	(New Prison)
Southern division	28	17	11	
Northern division	<u>30</u>	<u>10</u>	<u>20</u>	
	58	27	31	
	—	—	—	

It is clear from this assessment by district, that voting justices from the southern half of the county tended to support the scheme

for a new prison, while two-thirds of the justices from the northern division voted against any change. Most of the manufacturing justices lived in the northern part of the county, in the coalfield districts, or were connected with Coventry or Birmingham businesses, so this regional variable may well explain the source of their opposition to the new prison. Coventry and the parishes which formed the county of the city had already paid for the rebuilding of Coventry gaol which was completed in 1831 at a cost of £16000 and a rise in the rates for 1832 from fivepence in the pound to a shilling. Further expense had been incurred in improving the accommodation at the courthouse for holding adjourned Sessions and a separate Assize at Coventry from 1842. Having already incurred such expense the ratepayers of the Coventry division, magistrates being among the larger contributors, were anxious not to lose the advantages they gained in having a separate court. If Coventry prison was abandoned there would be no call to have a separate Sessions for the division, as all the prisoners for trial would be at Warwick, and Coventry would lose the prestige of being an Assize and Sessions town. Ratepayers in the northern division were not anxious to have to travel to Warwick in the event of bringing a prosecution at Sessions or serving on the jury. Numerous statements bear out the importance of this north/south division. The Reverend Bellairs, Rector of Bedworth, said he would support the new discipline if it was as convenient to the north as to the south of the county.¹⁵ Arthur Gregory a visiting justice of Coventry prison put up especially fierce opposition to the proposed alterations in 1845, saying that Coventry gaol could only be removed by an Act of Parliament and announcing that whatever hap-

15. Leamington Courier July 3, 1847.

pened at Warwick, Coventry gaol would carry on as before. The proponents of the new prison discipline deliberately exploited the transport problems of the northern magistrates when a committee meeting in June 1847 was scheduled in Warwick on a Saturday at two-o'clock 'an hour extremely inconvenient for magistrates to attend from northern parts of the county'.¹⁶ Warwickshire was not alone in such parochialism over the location of its prisons. Olney's study of the Lincolnshire Quarter Sessions reveals similar concerns during the first half of the century over having Sessions at a handy distance for a man on horseback.¹⁷

By the summer of 1847 the supporters of the new gaol proposal were becoming desperate to get a Bill for altering the Warwick streets through Parliament that session, and presented the Bill before they had met with other members of the prison committee to discuss it. Such procedures provoked a major row when the Bill's presentation became known to the other justices and the Clerk of the Peace was directed to suspend all further proceedings on the Bill, which was negated on 7th June without a debate.¹⁸ It was now becoming clear to everyone that the magistrates of the county were deeply divided and the shady Parliamentary dealings had not endeared the bench to the county ratepayers. Newdegate and Adderley began to take steps to mediate in the dispute and arranged a meeting in September between the supporters of the new prison discipline; Lifford, Bracebridge, Rattray and Reverends Clive and Perkins, and the four clergymen who opposed it; Adams, Heming, Lickorish and Roberts. This meeting resolved that a small committee be appointed at the

16. Reported at July QS, Leamington Courier July 3, 1847.

17. R.J. Olney, (1979) *op cit.* pp.104-7

18. House of Commons Journals June, 7, 1847, 'Warwick County Prison Bill'. p.626; Leamington Courier July 3, 1847.

next Sessions to get surveys done at Warwick and Coventry prisons in order to carry out separation of the prisoners by night and 'a greater and more complete subdivision by day, with power of separation in case of refractory prisoners.'¹⁹ Such a compromise clearly indicates that it was the separate system which was being objected to by the clerical justices, as well as the expense of rebuilding. The committee, Dickins, King, Adams, Adderley and Roberts, then solicited the advice of Captain Chesterton, the Governor of Coldbath Fields prison, on the state of the county prisons. His report was a predictably damning one. There was no hope of ever converting the gaol at Coventry into a building fit for disciplinary purposes and it ought to be abandoned. The gaols at Warwick were found to be a 'heterogeneous mass' too defective to allow much improvement. Chesterton's recommendation that liberal expenditure and large establishments would be cheaper in the long-term than merely patching-up the existing buildings, carried some weight on a bench evidently becoming tired of the endless wrangling. In June 1848 the justices resolved to build a new prison on a new site, near the town of Warwick and the proceedings were carried without opposition, the ratepayers seeming to have been forgotten.²⁰

By this time, however, the gaol was in competition with expenditure on other building programmes. Large costs had been incurred by the attempt to provide lock-up houses for prisoners in every Petty Sessions district, estimated at £12000 in the last three quarters of 1849. The County Asylum which had to be provided under the 1845 Lunacy Act had been estimated to cost £46000 and the asylum

19. WCRO., Minutes of Quarter Sessions, Sept. 17, 1847. (QS39/19)

20. WCRO., Minutes of Quarter Sessions, July 1848. (QS39/19)

committee was in the process of buying land and arranging a loan for the buildings. County finances were in serious crisis. At the Easter Sessions of 1849 the justices resolved that in view of the high costs of the building of the asylum, no more lock-ups should be built, but finances took another knock that summer when Birmingham was absolved by Act of Parliament from contributing to the county rate, or to the establishments of the county gaol or asylum.²¹ Ratepayers and magistrates alike, were reluctant to embark on any new projects. In October a County Expenditure Committee was appointed to organise an economy drive and in January 1850 the Foleshill Guardians sent a memorial asking that the gaol proceedings be suspended for twelve months and the utmost economy adopted in the county expenditure. Birmingham had recently removed its prisoners to its new gaol and suggestions were made that the county wait to see what effect this had on the prisons at Warwick, as well as the outcome of the protection debate on the agricultural depression, before embarking on any further expense. Despite protest from Lords Lifford and Brooke, the motion to delay the building of a new gaol was carried. The principle of economy had finally determined the outcome of Lifford's attempt to bring the separate system to Warwickshire's prisons and it was not until after 1852, when the county lunatic asylum had been completed, that the subject of prison discipline was again raised at the Quarter Sessions. In the interests of economy the Warwick prisons were consolidated into one gaol in 1850, along with other measures such as a reduction in the cost of the prisoners' diet.²²

21. WCRO., Minutes of Quarter Sessions, Easter & Midsummer 1849. (QS39/19 Leamington Courier October 20, 1849.

22. WCRO., Minutes of Quarter Sessions, January & July 1850. (QS 39/20).

With most other gaols on the separate system already, the decision to postpone its introduction into the Warwickshire prisons was bound to be reversed sooner or later. From 1852 the visiting justices of Warwick prison began to tighten-up on discipline. Large numbers of vagrants were being committed to the prison, and it was clear that Warwick was seen as a soft option compared to other Midland prisons. In midsummer 1852 the hours of labour were extended to ten per day, the bread was changed to a coarse quality similar to that provided in Birmingham Prison and handmills were introduced as labour for vagrants.²³ It was the separate system which was seen as the key, however, to bringing Warwick into line with other prisons, moreover because now there was firm pressure from national Government to introduce it. In October the Government Inspector of Prisons approved the use of 36 cells at Warwick for separate confinement, and the partitioning of the treadmill, but he would not allow separation to be introduced into the unconvicted part of the prison and informed the justices that the existing buildings could not be rendered sufficient for the purposes of the county by any alterations. This was the visiting justices' cue to put a motion for a new gaol once more to the Quarter Sessions bench. As Lifford was now in retirement, the motion to introduce the separate system into a single county prison, new or otherwise, was introduced at the January 1853 Sessions by William Leigh. The lines of argument for and against were similar to what they had been in the 1840's. Leigh tried to dispel the ratepayers' doubts at the outset, by insisting that the cost to each ratepayer would be small but ratepayer opposition to public spending was running high. Fuelled by rate increases everywhere as a result of the construction of new prisons and

23. WCRO., *Minutes of Quarter Sessions, Reports of Justices, Warwick Prison*, Oct. 1852. (QS 39/20 & QS43/2)

asylums, there had for several years been an attempt to get a County Expenditure Bill through Parliament, to transfer county affairs from the magistracy into the hands of elected councils.²⁴ John Spooner, the Birmingham M.P. and Edward Bolton-King, a magistrate from the south of the county, suggested that the Warwickshire justices delay their decision on the county prisons until the outcome of the Bill. When the motion to introduce the new discipline was carried at the Easter Sessions by 21 votes to 11, over 180 petitions were handed in during the next quarter, complaining at the unfairness of having to pay for a new gaol on top of the recent cost of the lunatic asylum, and asking for postponement of the decision until the outcome of the County Expenditure Bill. Leigh's reaction to all this local opposition was that the Bill was all the more reason to proceed in providing a new gaol, before the rate-payers' considerations outweighed those of 'morality'.²⁵

The magistrates from the northern division of the county still had their own particular grievances, aired by the coalowners, Newdegate and Dugdale. Newdegate emphasised the inconvenience of transferring the trial and custody of prisoners from Coventry to Warwick. The Coventry and Foleshill Poor Law authorities sent in memorials stressing the inconvenience to the populous northern division and the large sums of money already paid for the modernisation of Coventry prison, which under the new proposals would be abandoned.²⁶ Doubts about the separate system also remained, with Newdegate once more speaking against its effects on prisoners. The mood of the bench as a whole seems to have changed, however. Some of the

24. County Rates and Expenditure Bill, Select Committee's Report P.P. 1850 (468) XIII 1; C. Zangerl, (1971) *op cit.* p. 121

25. Leamington Courier April 9, 1853.

26. ibid. July 2, 1853.

earlier opponents of the separate system, such as the Reverends Adams, Lickorish and Roberts, had died or retired. New appointees, for example, Charles Lennox Butler, Edward Wheler and John Bacchus, tended to be in favour of the system. To other justices it was clear that Warwick prisons were behind the times. The county was now one of only three which had not adopted the separate system and could not afford to be a soft option for offenders.²⁷ Several justices who had voted against the new discipline in the 1840's had changed their minds by 1853, including William Dugdale. John Staunton, an active gentry magistrate from Shipston in the rural south of the county told the bench it was in the agriculturalist's interests to improve morality, arguing that in cases of insubordination among farm-workers, justices were reluctant to commit to prison because they feared the moral corruption of the labourers by associating with hardened criminals. With the majority of the old opponents to the separate system gone from the bench and less opposition generally to the idea of a new prison, the motion to build a new gaol for the whole county on a site just outside the county town was carried at the July 1853 Sessions by 33 votes to 16. An attempt by the ratepayers to defeat the proposal was made the following week when a deputation of four members of the ratepayers' committee was accompanied by Spooner and Newdegate to see Palmerston at the Home Office, and to present a memorial. Palmerston promised that he would make a full enquiry before sanctioning the plans for the new prison, but in fact made no contact with the county magistrates on the matter and there seems to have been no official inquiry made at all. The building of the prison proceeded and the new gaol was finally opened in 1861, having cost over £50,000.²⁸

27. Leamington Courier April 9 1853

28. Leamington Courier July 9, 1853.

Why in the six years between 1847 and 1853 had the Warwickshire magistrates suddenly become more receptive to the idea of a new county prison? The same arguments against change were used in 1853 as had been used in the debates of 1846 and 1847 but there was nothing like the kind of bitter conflict at the Sessions which had persisted throughout the 1840's. An analysis of the voting behaviour of the magistrates in 1853 shows that the old patterns remained. In 1853 there were no peers voting against the new prison, while the clergy were still evenly divided. Some of the manufacturing justices had changed their minds, such as Dugdale who had been against the cost and inconvenience of a new prison in January 1853, but voted for the motion in the final vote. Newly-active justices from this group, however, such as Greaves, a local banker, Dr. Jephson and two members of the Milward family of Redditch helped to swell the vote in favour of the separate system. Similarly, changing personnel in the gentry justices on the bench accounted for over two-thirds of the gentry contribution now coming out in favour of the new discipline, compared to less than half of them at the previous debates. (Table 4.)

4. Social background of Warwickshire Justices voting in the gaol debates Easter and July 1853.

	<u>Pro</u> <u>New</u> <u>Gaol</u>	<u>Anti-</u> <u>new</u> <u>Gaol</u>	<u>Total</u>
Peers & Baronets	11	0	11
Clergy	4	5	9
Manufacturing/professionals	8	4	12
Others/gentry	<u>19</u>	<u>10</u>	<u>29</u>
	42	19	61

Analysis of voting behaviour by district of residence in 1853 shows that just under half of the magistrates from the northern division were still biased against the idea of a new gaol at Warwick. What

was crucial was a change in the regional origin of voting magistrates, since the 1840's. In particular the number of justices from the Coventry, Bedworth and Nuneaton districts taking part in the voting, had fallen since the 1840's, and these had been the major source of opposition to the new gaol. The number of justices from the main towns of the southern division, Warwick and Leamington had risen from 10 in 1846 to 16 in 1853, and these justices were heavily in favour of Lord Leigh's proposal. Leigh was an important figure in the social life of the wealthy of the Warwick and Leamington district and the support may have been as much for him as for the new gaol. From the outset of the gaol question the Leamington Courier, one of the chief papers for the south of the county had been in support of the separate system, while the atmosphere of the Spa town, linked to the metropolis through the fashionable society which spent part of the season there, may well account for the region's strong support for prison reform. (Table 5.)

5.

Analysis of voting behaviour of Warwickshire Magistrates by district of residence in the gaol debates of 1846-47 and 1853.

<u>District</u>	<u>1846-47</u>		<u>1853</u>	
	<u>For</u>	<u>Against</u>	<u>For</u>	<u>Against</u>
Warwick/Leamington	7	3	14	2
Stratford	4	-	4	-
Others	6	8	8	8
Coventry	3	4	1	3
Nuneaton/Bedworth	1	9	2	3
Birmingham	4	3	6	4
Others	<u>2</u>	<u>4</u>	<u>2</u>	<u>2</u>
TOTAL	27	31	37	22
Unknown			1	
Outside the county			1	

The struggle for the introduction of separate imprisonment into Warwickshire prisons demonstrates that the Warwickshire bench was

deeply divided on the question of prison administration. The active magistrates who advocated prison discipline reform were not given carte-blanche by the rest of the bench, who until then had been prepared to sit back and let this small group of men deal with the everyday administration of county institutions. In the 1840's particularly there were also enough active and influential justices who opposed the separate system and the idea of a new prison, to muster support from the Poor Law authorities and ratepayers and prevent the introduction of the new system. It is clear that one factor which made Warwickshire exceptional was the special grievance of the justices and ratepayers from the northern part of the county, against the loss of the recently modernised Coventry prison, but it has also been shown that opposition to the separate system of discipline itself was important.²⁹ The bench of 1853 which finally passed the motion to build a new gaol, was one which no longer contained the clergymen who were the strongest opponents of the new discipline. It was also becoming evident by the 1850's that Warwickshire could not hold out indefinitely against pressure from national Government. The refusal by the Home Office to approve any alterations to the county prisons, without total rebuilding, was a way of forcing a positive decision from a bench that had become convinced that its prison discipline was more lenient than that of neighbouring counties. Finally, the example of Warwickshire shows that the so-called 'middle-class' justices had no monopoly on modern ideas about methods of punishment or the organisation of institutions. Many of them were more concerned

29. Pamphlets written and/or circulated by Warwickshire magistrates in connection with the gaol question include: C.H. Bracebridge, A Letter to the Magistrates of the County of Warwick on the Report of the Committee for building a new gaol, (1845); P. Laurie, (1846) op cit.; J. Hewitt, (Viscount Lifford) Some Observations on a Pamphlet by Sir Peter Laurie. Bart. (Coventry, 1846)

about matters of economy and convenience. The manufacturing justices who did vote for the new system and who made a significant contribution at the 1853 vote, were in the company of members of the aristocracy and gentry, whose opinions and divisions they seem to have mirrored.

II

Provision of a County Asylum

Part of the problem in providing a new prison was the difficulty of raising the money from ratepayers already smarting under the increases demanded to pay for lock-up houses and a county asylum. The apparent ease with which a county asylum was provided for the county, compared to the enormous dissent on the question of a new prison, is an intriguing contrast. The ambiguity of the Prison Acts over the provision of separate sleeping cells provided a loophole in the question of how far the separate system was compulsory, that allowed the Warwickshire bench to postpone its decision. There were no such loopholes in the County Asylum Act of 1845, which made it compulsory for counties to provide asylum accommodation for pauper lunatics. Under the permissive clauses of previous legislation and with an ample supply of private care in the county together with the use of public asylums elsewhere, Warwickshire had managed without a public or subscription asylum. It was not until 1844, when the Government issued a directive to the county benches, calling their attention to the recent report of the Lunacy Commissioners, that the question was brought before the Warwickshire Quarter Sessions. Representatives from Birmingham whose lunatics were housed either in the workhouse or scattered

among private asylums of other counties, asked in October 1844 that a pauper asylum for the whole county be built.³⁰ A committee was appointed including many of the most active justices; Bracebridge, Bolton-King, Reverend Adams from Coventry and Reverend Clive from Solihull, William Dugdale, Joseph Webster the ironmaster and two Birmingham businessmen Spooner and Ledsam. The committee's chief task was to ascertain the number of lunatics for whom asylum care was required and whether it was possible to avoid the cost of a separate asylum by combining with another county, to build a joint asylum, or to rent existing accommodation. From the outset the justices sought to minimise the cost of compulsory provision for the insane. Their initial hope was to erect a joint asylum for the whole county with the Borough of Birmingham, but the legal separation of boroughs from counties made this illegal. Attempts by the county magistracy to get a special clause inserted in the Lunatic Asylums Bill during its passage through Parliament in the summer of 1845, failed. Estimating that only 117 places were needed, the asylum committee sought to share accommodation with Worcester, Stafford or Northampton which already boarded 40 county pauper lunatics, but none of these counties would agree to such an arrangement. It was in any case becoming clear, once awareness had been raised, that the county would need its own asylum. In January 1846 the committee reported that since the passing of the Lunacy Act matters were assuming some urgency. Seven paupers in Coventry workhouse had had to be placed together in the same room because there was no asylum to take them and several pauper lunatics from Southam had been sent to Lancashire because of the lack of local facilities.

30. WORO., Minutes of Quarter Sessions, October 1844. (QS39/19)

Thus with very little opposition and no alternatives, the magistrates had come to accept that they would have to provide a county asylum. There is evidence, however, that the ratepayers were not so easily convinced. Nine of the southern agricultural districts, all small rural parishes, sent in memorials insisting that asylum accommodation in England and Wales was ample to the needs of the county as a whole; that the average duration of treatment in licensed houses was far shorter than in county asylums where the proportion of cures was less; and that if a county asylum was built dependents of male lunatics would be a charge on the poor rates for a much longer period than if the county used the existing private asylums.³¹ Such small-scale protest, from a dubious source - the memorials had been sent in by a Mr. Charles Mackensy of no address and unknown to the magistrates - was nowhere near enough to influence the bench's decision. Bracebridge, who was as strongly in favour of the new asylum as he had been of the new prison, pointed out that the allegations against the county asylums were factually incorrect. Considering the large scale opposition of the ratepayers to the expense of a new prison, it is surprising that there was not greater protest at the cost of the new asylum. Perhaps the reason was that in the case of the latter the conflicting opinions on the bench demonstrated to the ratepayers that protest might be of some influence, while there was debate over whether the clause in the Prison Act recommending separate sleeping cells, was compulsory or merely permissive.³² There could be no doubt that the provision of a county asylum was compulsory and that the rates would have to cover the cost.

31. Middleton, Hemington, Stonedelf, Wolston, Wolvey, Wishaw, Churchover and Coombe Fields, (WCRO., Minutes of QS., April 1846)

32. Leamington Courier - Correspondence columns, September 27 and October 11, 1845.

Even those justices who were busy opposing the new prison were in favour of the asylum. Reverend Adams remarked that the county would need an asylum all the more once the new system of prison discipline was in force. From the debates at which both subjects were discussed, the priority of argument was always given over to the prison question. Occasionally the bitterness in these discussions spilled over into the asylum debates, indicating the justices' minds were really more concerned with the prison question than the incontentious subject of providing an asylum. In 1846, when one justice suggested that the two subjects might be referred to the same committee, Adams replied that as his friend considered the new gaol was 'to get rid of all coercion', the two subjects might be safely united.³³ Perhaps it was the obvious attempts by the county magistracy to minimise the cost of the asylum, which kept protest outside the Sessions at a low level, unlike some other counties where the magistracy were accused of being too extravagant with asylum plans.³⁴ In May 1847 the asylum committee signed a contract with the Earl of Warwick and Lord Brooke for the purchase of thirty-six acres in Hatton and Budbrooke at a cost of £4000 and by April 1848 a plan was approved at an estimate of £45000 plus sundries. Work proceeded with little delay; the foundation stone was laid on 16th July 1849 and loans to the value of £55000 were taken out between January 1850 to Midsummer 1852, as the asylum neared completion.³⁵ The asylum costs were a heavy burden on the rates

33. Leamington Courier July 6, 1846

34. Select Committee, County Rates and Expenditure Bill, op cit Evidence of Rev. J. S. Birley, re Lancashire Asylums and Gaols. p.998-1101.

35. WCRO., Minutes of Quarter Sessions, January 1850 to Midsummer 1852. (QS 39/20)

and it was only after its completion that the county again began to build lock-ups and reconsider the prison question.

This apparent ease with which the Government directive to build a county asylum was put into operation, by a bench then deeply divided over the question of providing a new prison indicates that the issues involved in the gaol debate went beyond the simple one of economising county expenditure. There was real doubt over the merits of the new system of discipline to be adopted and equally the separate system's proponents on the bench were convinced that the value of the penitentiary was worth having whatever the cost. Ideological opposition to the penitentiary, however, was inter-related with the indignation of the northern division over the suggestion that a prison for which they had only recently ceased paying, should be abandoned along with the use of the town for Sessions and Assizes. The lack of both these dimensions in the case of the asylum question meant that opposition was limited in its appeal in the face of clear Government intent on the matter. As for the magistracy's concern for the level of county rates, the case of prison and asylum demonstrates that ratepayers' protests were only listened to when they coincided with the views of an important section of the magistrates, as in the gaol debates of the 1840's. When the magistrates were in general agreement or acting under firm pressure from national Government, the influence of ratepayer opinion on the question of building new institutions was negligible.

III

Conclusions

The detailed examination in this and the preceding Chapter of the involvement of one county bench in the provision of both public and private incarcerative institutions, shows that it cannot be assumed that the people who determined the pattern of institutional provision in any one county, were all acting under the same influences. A small group of active men (and frequently their wives and sisters acting in a private capacity) were heavily involved in the administration and provision of all forms of institutional treatment and outdoor charity. Yet these did not have the automatic assent of their fellows on the county bench, and on some issues, such as the introduction of the separate system, these active 'county men' were themselves divided. Some of the active justices had links with modern thinking on the institution at the national and international level. Bracebridge and Newdegate are good examples of men with this degree of interest, the former generally in favour of the total institution, the latter generally against the idea in his concern with the effects of the separate system and his campaign against Catholic convents.³⁶ Others restricted their actions and opinions to the more parochial level of the county and their own immediate locality. These men seem on the whole to have been doubtful of the benefits of the separate system, and to have been more concerned with the cost of new innovations to the ratepayers, such as Bolton King from Kington in the south and the northern clerical justices. Given this wide

36. In Parliament Newdegate was the most ardent opponent of Roman Catholic Convents, W.L. Arnstein, (1982) *op cit.* pp. 220-21.

variation of opinion and the succession of changes and compromises in attitudes that had to be made before the policy of national Government was accepted in Warwickshire, it is hard to evaluate the total institution in terms of its appeal as a means of social control. Clearly not all the Warwickshire justices were dissatisfied with the performance of older forms of treatment for the criminal and deviant in the 1840's, although they were grudgingly persuaded to be so during the next decade.

It is curious that in the case of the erection of a public pauper asylum, there were no opponents on the bench to the idea of the asylum itself, in regard to lunatics, although serious doubts had been raised about the methods of the separate system in the prison debates. The major argument against the pauper lunatic asylum was its expected cost. It has been shown that although the principle of economy was not the sole factor involved in the case of the provision of a new county prison, it was nevertheless an important consideration. The following Chapter discusses how far the pressure for economical public expenditure influenced the regimes imposed in the county prison and asylum in the latter half of the century, and how far the idea of the total institution was compromised at the local level in pursuance of this aim.

CHAPTER FIVE: THERAPY, PUNISHMENT AND THE IDEAL OF THE SELF-SUFFICIENT INSTITUTION: THE CASE OF INMATE LABOUR.

I

Chapter Four has demonstrated that while opposition to the establishment of new public institutions was not rooted solely in a fear of rising county rates, the cost of the control of deviance was nevertheless an underlying influence on the attitudes of a large section of the county magistracy. The present Chapter asks what was the effect of local pre-occupations with economy on the shape of institutional regimes that had been devised by more theoretically-minded Government Commissioners? It examines one of the central features of institutional life; the work-routine which ordered the lives of inmates across the whole institutional spectrum of prisons, workhouses, asylums, penitentiaries and reformatories, and assesses the balance between economic objectives and therapeutic or punitive ones in the development of inmate labour in Warwickshire institutions.

The purpose of setting inmates to work varied according to the penal, curative or charitable brief of the institution concerned and historians have made much of the role of labour in the new institutional regimes of the Victorian era. In particular, the centrality of the work ethic has been seen as a clear link between the incarcerative institution and the discipline of the factory. Foucault has pointed to the importance of the protestant ethic in the philosophy of the Quaker reformers of prison and asylum. To them work in itself was the path to individual salvation:

In itself work possesses a constraining power superior to all forms of physical coercion, in that the regularity of hours, the requirements of attention, the obligation to produce a result detach the sufferer from a liberty of mind that would be fatal, and engage him in a system of responsibilities Through work, man returns to the order of God's Commandments; he submits his liberty to laws that are those of both morality and reality¹

This interpretation of the meaning of work in the moral treatment asylum found echoes in the character-reforming attributes given to the labour of prisoners in the new discipline of the penitentiary. Early nonconformist prison reformers like John Howard, Elizabeth Fry and the magistrate G. O. Paul, as well as Samuel Tuke the originator of 'moral treatment' for the insane, all saw well-ordered disciplined labour as the key to combating the disordered minds of the insane and the faulty consciences of the criminal. The emphasis given by the reformers to work in the methods to be adopted for treating deviance in the new institutional setting has led many writers to interpret the daily labour routine as a mechanism for altering the behaviour of the inmate. Ignatieff, for example, points to the work of G. O. Paul, who considered it more important to teach convicts the moral goodness of work than to make money from their labour.²

Yet another side to the function of inmate labour persisted; that of making the institution as economically self-sufficient as possible. When a proposal was made in 1871 that the inmates of Broadmoor Criminal Lunatic Asylum be allowed to receive a low scale of payment for their labour, the Lords of the Treasury replied in no uncertain terms that persons maintained out of the

1. M. Foucault, Madness & Civilisation (1971) op cit. pp. 247-48.

2. e.g. D. Rothman, The Discovery of the Asylum (1971) op cit. pp. 103, 144.
M. Ignatieff, A Just Measure of Pain (1978) op cit. pp. 99, 112.

public purse 'already owe such labour to its fullest extent' and had no right to remuneration.³ The annual accounts of institutions regularly included details of how far inmate labour contributed to repaying this debt, with schedules of goods produced, profits earned from the sale of goods or the amount saved by the employment of inmates as an alternative to workers from outside. Using the vast amount of documentation which survives concerning the type of work done, inmates' earnings and the financial contribution made by inmate labour to institution running-costs, it is possible to build up a less impressionistic picture of the function of inmate labour than that which emerges from mere reliance on the rhetoric of the early reformers.⁴ Examining the function of inmate labour in one type of institution alone loses sight of the paradox that different claims were made for the ideological value of work in different institutions. How did the

3. PRO.H045/9500/8076, File concerning the introduction of monetary rewards for work done by inmates of Broadmoor. Letter dated 24.11.1871.
4. The monetary value and earnings of prison labour are listed in the annual reports of the Inspectors' of prisons and later of the Prison Commission, together with details about the numbers of prisoners employed daily at various types of work, so these have been used to supplement the prison records contained in local Quarter Sessions records. For details of asylum labour the annual reports of the asylum superintendents contain tables about numbers employed and earnings or estimated savings, as well as more qualitative comments. The chief problem with using institutional reports for assessing the work done by inmates and its financial value to the institution, is one of credibility of the information provided. Using the records of two asylums and two prisons, was one way of double-checking the margins of reliability of the information provided. That the two asylums and the two prisons produced reasonably consistent figures and conclusions suggests that a fair amount of confidence can be placed in the sources. Reports of the Inspectors of Prisons and the Lunacy Commissioners did correspond well with the respective claims of Quarter Sessions reports and Asylum annual accounts.

purpose of work appear, for example, to the vagrant or pauper who was made to work at the workhouse as a contribution to his keep, to work in the prison as a punishment and then perhaps to do agricultural work at the asylum as a cure for his mind? Or what did institutional labour mean to the women who invariably found themselves doing institutions' laundry, cleaning or sewing, wherever they were sent? The discussion which follows is based on a study of Warwickshire's county prison and asylum, together with the prison and asylum for the urban district of the Borough of Birmingham. The development of inmate labour over time is assessed in each institution, with particular focus on the years in which the local authorities were in control of both prisons and asylums. After 1877 the prisons were controlled by the Prison Commission and so the influence of local ideas about economy became less important, although it will be seen that the Commissioners' concern with uniformity did not preclude an economical administration of the prisons. The balance between the treatment role of work and its financial contribution to self-sufficiency is examined in relation to firstly the two prisons, and secondly, the two lunatic asylums. A concluding section draws together the developments in prison and asylum in the light of other studies and evidence from other local institutions.

II

Inmate Labour in Warwickshire's Local Prisons

Victorian prison labour can be divided into four categories; unproductive hard labour designed for punishment rather than profit, such as the treadmill or hand-crank; the application of hard labour to a production process, for example heavy matmaking or using

the mills to grind corn or pump water; lighter work concerned with some production process such as shoemaking, tailoring or sewing; and lastly all the labour that was concerned with the maintenance and services of the prison such as building works and routine chores. Productive labour consisted either of the production of goods for use outside the prison, for sale to private citizens, or other county institutions and sometimes contracted by a local manufacturer, or was production of items for the use of the prison only and thus valued as a saving on expenditure rather than a profit. At the level of central government, the treadwheel was initially the preferred mode of extracting purely penal and deterrent labour from prisoners. However, as the idea of cellular or solitary confinement spread, official opinion tended to prefer the cell crank, a machine which involved the prisoner turning a weighted drum by a handle which registered the number of revolutions made, and which could be worked in isolation.⁵ Local authorities, however, retained a fair degree of autonomy over the interpretation of 'penal labour' even after the separate system itself was made compulsory in 1865, and their preferences did not always coincide with official ones. The Warwickshire prisons fully bear out the Webb's conclusion that relatively few prisoners were employed at unprofitable labour in the era of the county magistrates' control of the prisons. Associated treadwheels and even hand-cranks could be converted to perform some productive task and in the period before 1865, the Warwickshire authorities rarely ignored the opportunity to do so. For example, at the old Warwick County Gaol in 1853

5. S & B Webb, English Prisons under Local Government. (1922) op cit. Chapter 8 pp.82-158.

mill machinery was added to the treadwheel and used to grind corn, while in 1855 an associated handcrank was employed to split beans, crush malt, 'kibble' oats, grind peas and beans into flour as well as grinding wheat.⁶ Another adaptation of hard labour machinery was to use an associated crank to pump water for the use of the prison or for sale to neighbouring institutions. Pumping water was the regular occupation of 18 prisoners at the Warwick New Prison from 1862, while at Birmingham an average of 20 prisoners per day pumped water for the use of the Borough prison and lunatic asylum.⁷ (For the numbers employed at different types of prison work see Table 1. Appendix).

The actual financial return of these kinds of compromises between penal labour and productivity was low, however, when compared to what could be earned by employing prisoners at manufacturing processes. Although pumping water saved Warwick Prison between fifty and a hundred pounds a year, another kind of hard labour; the manufacture of mats, earned as much as £300 profit in 1869. Mat-making was first adopted in the Yorkshire prisons in the late 1830's and 1840's and quickly became one of the most profitable of all prison industries. It consisted of weaving mats, usually of coir fibre, on looms and although classed as hard labour it was described by Edmund DuCane as 'work requiring very little skill which can be carried on by cripples, blind people and women'.⁸ Since hand looms were easily incorporated into the cellular system, matmaking had become by 1875 second only to oakum picking as a

6. H.M. Inspector of Prisons, 19th Report, for 1853, and 21st Report, for 1855.

7. H. M. Inspector of Prisons, 21st to 32nd Reports 1855 to 1863.

8. E. DuCane, 'Memorandum on Matmaking in Prisons' 1888, Appx. IV Report of the Departmental Committee on Prisons PP LVI p.560 1895.

prison industry. Eventually mounting protest from manufacturers at the competitive scale of prison matmaking led to its being deliberately run down by the Prison Commission. Yet in 1892, when the total number of prison matmakers in the country had fallen from 2823 in 1875 to only 106, Warwick and Birmingham prisons maintained some substantial production, Birmingham producing mats for sale and for Government departments and Warwick for an outside contractor.⁹

This survival of the industry at Warwick Prison attests to the heavy commitment made to it by the local authorities. In the 1860's and 1870's matmaking provided most of the real profit from prison labour at the County Prison, where after 1865 around sixty men could be employed daily making mats. Some idea of the kinds of profit possible from this prison industry is provided by the example of Birmingham Prison in 1867, when an average of 96 men were employed making mats daily, earning over £1032 profit in the year, or £10.15s for each prisoner employed.¹⁰ It is difficult to estimate exactly what proportion of inmates at the two prisons were employed regularly in this lucrative work for the prison administrators, because numbers varied from year to year and in Birmingham's accounts oakum picking was sometimes subsumed under the 'matmaking department'. At Warwick it appears that around one third of all employed prisoners were working at making mats from 1867-1877, while at Birmingham all the available statistics suggest that between 15 and 40% of all employed prisoners were occupied in this way.

Oakum picking, that archetypal employment of Victorian institutions, was also carried out on a large scale in Warwickshire prisons.

9. *ibid.* The contractor was Leveson & Co. of Leeds.

10. Calculated from *H.M. Inspector of Prisons, Report for 1867*.

This tedious and rough work of untwisting old rope, or the 'pick-ing' of other fibres such as coir and wool, were such favourites of institution administrations because they were easily learned by any category of inmate, could be carried out in isolation, in silence and on a large scale, and were especially suited for prisoners on short sentences who had no time to be taught any other type of work and who, after 1865, had to work in isolation.¹¹

Unfortunately for the local authorities, however, oakum picking was not very profitable. At Warwick Prison in the 1860's the profits from picking oakum were so negligible they were never entered in the annual reports, although as many as one third of the prisoners might be daily employed at the work. When the new county prison was opened in 1861, organised on the separate system, women as well as men were set at oakum picking, but by 1873 the number of pickers was far less than those matmaking. In that year a daily average of twelve men and five women picking oakum earned the prison only £18.65 profit, or just over a pound per head. Even at Birmingham Prison, where the Inspector commented in 1864 that the profits from oakum were considerable, 110 pickers in 1867 earned no more than 29 shillings a head, while a daily number of 92 matmakers earned £984.11s profit, or £10.14s each.¹² Clearly, these differentials go a long way to explaining why matmaking was so popular in the era of the local authorities. After the Prison Act of 1865, all hard labour prisoners sentenced to fourteen days or less had to spend their sentence in separate confinement, and the only suitable hard labour for this short sentence group was

11. *ibid.* Annual Reports 1855-77

12. Calculated from *H.M. Inspector of Prisons, 32nd Report, for 1867*, p.293 and 27th Report, 1861; 38th Report, 1873; (figures for Warwick Prison). General data on oakum picking calculated from 19th to 42nd reports. See Appendix, this chapter, Table 2 p.164

oakum picking, so, profitable or not, a sizeable number of local prisoners were always employed in this way.¹³ The justices did make some attempts to introduce other prison industries of an unskilled nature, such as breaking nuts and button materials at Birmingham or stone-breaking, which had become as important as matmaking there by the 1870's. Although these tasks were more profitable per prisoner employed than oakum picking, they could rarely be carried out on the same scale and so were of little use as actual alternatives. (For examples of the value per head of different prison employments at Warwick see Table 2. Appendix).

Perhaps the most 'valuable' prisoners to the local authorities were those who already possessed a skill, such as tailoring or shoemaking or some other trade, which could be used either to make goods for sale or to save the prison the expense of buying them. A certain number of shoemakers and tailors were always employed to make uniforms and shoes needed in the prison and also for sale. Warwick county prison employed around two prisoners at tailoring per day in the old prison and increased this to around four a day in the new prison, while the number of shoemakers varied but was as high as 13 in 1869 and rose to 29 in 1877. These few tradesmen earned and saved the prison well over a hundred pounds a year, shoemakers earning from three to eight pounds each depending on the number employed, and tailors between eleven and twenty pounds. At Birmingham between two and three dozen prisoners were employed at these tasks doing work to the value of at least £200 a year, tailors earning between six and ten pounds, and shoemakers three

13. WCRO., Warwick Prison, (QS 2/1/1), Circular regarding hard labour under the Prison Act of 1865, sec. 34.

to six pounds when twenty of them were employed. Trades such as carpentry and smithing were especially useful in terms of the value of the work they could undertake in the maintenance of the prison buildings, although the money value of their labour depended much on the amount of work to be done. For example, when Warwick Prison was built, a whole range of artisan prisoners were employed in 1861 to fit it out and a daily average of 27 painters, whitewashers, carpenters, bricklayers, smiths, fitters and others saved the authorities £679 or the equivalent of £25 per worker in that year. At times when no such large-scale building work was being carried out smaller numbers of artisans were employed, at Warwick no more than seven in the years following the completion of the prison, and at Birmingham something like nine or ten artisans as a daily average. Their work was, however, of great saving in cost to the prison of employing a free tradesman; in 1873 at Warwick one prisoner carpenter carried out £44 worth of work. One complaint of the local authorities after the Act of 1865 was that they were unable to utilise this skilled labour when prisoners were sentenced to short terms of hard labour, since prisoners had to undergo much of their sentence, or the first part of a longer sentence, at unproductive labour of the 1st class, picking oakum or making mats when they might have been doing more useful and moneysaving work. Short sentence prisoners rarely remained in prison long enough to make the kind of useful contribution to their expenses that the local authorities and also the Inspectors of Prisons would have preferred.¹⁴

Besides employing artisan prisoners in the latter stages of their sentences on work for the upkeep of the prison buildings, less-skilled

14. H.M. Inspector of Prisons, 38th Report, 1873. p. vii.

prisoners could also be employed, once hard labour was not required of them, in the service of the prison. Something like a quarter of all prisoners employed at both Warwickshire prisons worked at the daily chores of the prison cleaning, washing and cooking, which included a fairly sizeable proportion of the female prisoners sewing and mending the prison clothes and linens. Under the 1865 Prison Act women sentenced to more than 14 days hard labour could be employed, after the initial two weeks in solitary confinement, in the services of the prison as second class hard labour, so female prison inmates were useful from early on in their sentence.¹⁵ The estimates of the cost saved by employing prisoner labour in the service of the prison, returned in the Inspectors' Reports for Warwick and Birmingham prisons, show that this form of prison labour was worth as much and sometimes more than the profits earned at manufacturing goods. At Warwick Prison in the 1860's the estimated value of washing and sewing work done by the female prisoners, usually came to over £200, profits from manufactures rarely more than £300. At Birmingham the value of washing, sewing and cooking for such a large prison topped £900 in some years, profits from manufactures only exceeding that in exceptional years like 1867 when large profits were made from matmaking. When the Prison Commissioners took control of the local prisons, set rates for the valuation of such labour were laid down, for the sake of uniformity in the accounts, at about half what the Commissioners estimated was the rate for free labour employed at that particular task. It does not seem likely that the justices' administrations, keen to show off the value of prison labour, based their own estimates of 'money saved' on less than this.

15. Prison Act 1865 Sec. 34. Male prisoners sentenced for longer than 14 days hard labour, had to do hard labour of the first class, e.g., crank, matmaking, oakum beating.
Circular in WCRO QS/2/1/1 dated 2.1.66

Thus by the rates laid down in 1879¹⁶ cleaning and jobbing work, and washing or repairing prison clothing were valued at 1s. 3d per day, or £19.10s over a year of six-day weeks. The money saved by an average of six women working in Warwick prison laundry in the late 1860's and 1870's was between £20 and £30 per year for each woman, according to the estimated total value of their labour given in the reports for Warwick Prison (see Table 2). The same kind of calculation of the value per head for each female prisoner washing clothes in Birmingham prison in 1867, for example, gives a value of around £32 for each woman employed; the prison saved £543 in laundry costs in that year. Sewing and mending for the prison saved comparatively less, about £50 per year at Warwick and £100-150 at Birmingham, so the per capita rates appear correspondingly lower than for the women employed doing the prison laundry. The value to the prison of employing prisoners at these everyday chores is, moreover, underestimated, since neither Warwick nor Birmingham prisons calculated the value of the twenty or so prisoners employed to clean the prison or perform other incidental duties such as clerical tasks or running messages. Without the contribution of the female prisoners and the men on longer sentences, the prisons would have had to pay a huge staff of auxiliary and maintenance workers, or send work like laundry outside the prison, where the costs would have been high. That prison statistics both before and after 1877 took the value of this kind of labour into account as money saved is some indication of the administrators' appreciation of its importance.

How far then can these two local prisons be regarded as in any way self-sufficient through the daily work of the prisoners? Table 3

16. Prison Commission, 3rd Report, 1879-80.

in the Appendix shows the value of prisoners' labour, both profitable and useful, as a proportion of the annual costs of the prisons in years for which figures were available. Warwick county prison only provided adequate figures from the period after the opening of the new prison, as accounts from the three earlier county establishments are variable and incomplete. The value of prison labour was high at Warwick in 1861, as this was the year in which many artisan prisoners and others were employed at fitting out the new buildings. Although little profit was made in that year, prison labour contributed as much as 20% of the total costs of prisoners' maintenance and each prisoner employed did work which was valued on average as nearly a third of his cost to the ratepayer. By the end of the 1860's the Prison Act had decreed that prisoners would be unavailable at the start of their sentences for the more valuable or profitable kinds of work, so the contribution of prison labour to the cost of the prison had dropped to around 18% but employed prisoners still contributed over a fifth of their own cost. In the 1870's work at Warwick seems to have been less valuable to the prison at around 15%, but the 'average' employed prisoner still could contribute a fifth of his or her cost in a year's work. Prisoners at Birmingham prison also contributed between 15 and 30% towards their cost through the value of their labour. Generally in the 1860's the value of each employed prisoner at Birmingham was rather higher than at Warwick, with Birmingham's prisoners contributing just under one-third of their cost in 1869. Interestingly at Birmingham the 1865 regulations seem to have had little effect on the proportion of their cost which prisoners could earn for the prison, the proportion lying somewhere between a fifth and a quarter of the cost during the whole period before 1877.

One reason why Birmingham prison was more successful than Warwick at maintaining a high proportionate value for prison labour to prison costs, was that profits from hard labour such as matmaking and later stonebreaking were brought to a high level at Birmingham in the late 1860's and 1870's. For example, in 1867 at Birmingham, largely due to matmaking profits, over £1200 was earned from profitable work, compared to around £900 saved by prisoners washing, sewing and cooking for the prison. At Warwick prison in the same year the profits only amounted to £300. This also further underlines the point that some prison workers were more valuable than others. Generally the prisoners whose labour was of most value were those artisans and craftsmen who were able to spend some of their sentence working at their trade for the benefit of the prison, the women prisoners who washed, cooked and sewed and the longer term prisoners who could be taught shoemaking or tailoring, or who already had these skills. The problem was that these skilled and valuable prison workers rarely formed a large part of the prison population of the local prisons, never comprising more than a third of the total number of prisoners at either Birmingham or Warwick prisons. Nevertheless at particular points in time, such as the building of the new prison at Warwick in 1861, when 43% of employed prisoners in the Warwick gaols were carrying out building works, the use value of prison labour was high, replacing the need for building workers from outside. It seems reasonable to conclude that skilled workers, once freed from penal labour in the first stage of imprisonment would probably 'earn their keep' while in prison. Prisoners employed at other work, such as heavy matmaking, stonebreaking or oakum picking can be reckoned to have earned no more than a tenth of their cost per head at Warwick prison, and generally around a fifth of

their cost in Birmingham prison, whose matmaking profits were higher . [See Table 2] So although the local prison administrations evidently made the best use they could of long-sentence and artisan prisoners, the persistent obstacle to making prisons more self-sufficient lay in the large numbers of short-sentence male prisoners and unskilled workers who could only be set at the less profitable kinds of prison work.

The employment of prisoners is often cited in histories of imprisonment as the outstanding example of conflict between the aims of deterrence of crime, reformation of prisoners and minimising expenses.¹⁷ A frequent assumption of modern writers is that before the Gladstone Committee of 1895 initiated the abolishment of unproductive labour in prisons except as a disciplinary measure, prison work was largely unproductive and was fully tied to the policy of deterrent 'hard work, hard fare and a hard bed'.¹⁸ It is evident from the foregoing survey of prison labour in two local prisons that, at least in the era of the local authorities' control, the term 'hard labour' was customarily interpreted as extending to a wide variety of productive occupations, designed less in the interests of reformation or even punishment, than to ensure some economic return from prisoners' work.¹⁹ Even when the Prison Commission took over in 1877 it was to operate within the provision

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17. S. & B. Webb, (1922) op cit. p.82; R.B. Orr, 'In Durance Vile: attitudes towards imprisonment in England during the DuCane regime, 1877-95' (PhD Thesis, Wisconsin 1967) Chapter 4 examines the relationship between economy and prison labour.
18. See for example W. H. Cooper and R. D. King, 'The Social and Economic Problems of Prisoners' Work' in P. Halmos (Ed.), Sociological Studies in the British Penal Services (June 1965, Keele University) pp.146-147.
19. E. Ruggles-Brise, The English Prison System (1921) p.137;
- Report of Departmental Committee on Prisons. PP 1895 LVI 1.p.19

of the 1877 Prison Act that 'the expenses of maintaining in prison, prisoners who have been convicted of crime, should in part be defrayed by their labour'.²⁰

A Committee appointed to survey the accounts of local prisons in 1878 asked itself 'how to secure the largest return from prisoners' industries and develop prison manufactures to the greatest extent'.²¹

The element of conflict in the minds of the local authorities as to the purpose of prison labour seems to have been minimal. The Committees of Visiting Justices who ran the local prisons saw to it that official policies were interpreted in such a way that as little prisoner energy as possible was expended merely in deterrent and unproductive work.

This is evident from a survey of how little practices altered during the course of the nineteenth century, despite successive legislation. Between 1835 and 1865 controversy continued among would-be prison reformers over the relative penological merits of complete cellular isolation and the 'silent system' which enabled prisoners to be employed in association but prohibited communication between them. It has been shown that Warwick county was one of the last to adopt separation, which was not introduced fully until 1861, despite constant reproofs from the Prison Inspectors. The Warwickshire magistrates were slow, too, in introducing employment into the prisons, Coventry prisoners remaining idle until 1849. The justices' delight with the effects of prison work was instant, however, and once they had learnt the principle of labour for economy, there was no going back:

20. Prison Commission, 2nd Report, 1879. p. 7.

21. Prison Commission 1st Report 1878 p.50.

QS.2/1/1 Oct. 1849. (Coventry Gaol)

We have introduced work into the Gaol since our last report, and we have much pleasure in stating that the result has been a gain to the county of about nineteen pounds besides the value of repairing the shoes, making clothes for the prisoners, and doing carpenters, bricklayers and painting work. The marked improvement in the state of the gaol calls for the expression of our satisfaction.

27th December, 1849

Since last Quarter Sessions a flour mill and dressing machine has been installed. It is worked by a tread-wheel and we calculate the saving to the county hereby, as well as by baking of the bread for the Gaol and the House of Correction will amount to at least £100

Only the prison chaplain reported improvements of a different sort:

The various trades are calculated to instil into (the prisoners') minds, habits of industry and thoughts productive of that calm reflection which generally is the precursor of Repentance. 22

When cellular isolation did come for Warwick county prisoners in the new prison that opened in 1861, it scarcely reduced the amount of profitable labour that could be carried on by the prisoners.²³ The first Report of the visiting committee of the new gaol to the Quarter Sessions lists matmaking and picking oakum as being carried on in separate confinement, and in fact wider use was made in this prison than in the old gaols of varied employments such as tailoring shoemaking and carpentry, while the crank and other purely mechanical forms of hard labour were discontinued initially. In 1863 the magistrates were able to report a gradual diminution in the cost of the prisoners since the opening of the prison and the 'extension of prison manufactures'.²⁴

22. WCRO., **Minutes of Quarter Sessions, October 1849.** (QS 2/1/1)

23. The associated labour of the Warwick prisoners was criticised in 1854: H.M. Inspector of Prisons, 19th Report, for 1854 p.116.

24. WCRO., **Minutes of Quarter Sessions, October, 1861.** (QS 2/1/1) The amount paid to the treasurer increased from £17 in 1861 to £200 in 1863 and the value of stock in hand rose from £235 to £401.

The Prison Act of 1865 laid down that hard labour be divided into two classes, the first consisting of treadwheel, crank, shot drill, stonebreaking and other penal tasks, which included oakum beating and matmaking with a heavy loom, and the second class consisting of all the lighter prison employments. It failed though, to put an end to local administrations' efforts to keep prison labour remunerative. This legislation, designed to make prison more arduous and uncomfortable for the criminal, also made it more easy for local administrations to exact more labour for profit, with prisoners silently working in their cells making shoes or mats on newly-installed frames. The evidence from Warwickshire certainly bears out the Webbs' contention that the Home Office was unable to prevent the county justices from turning prison labour to profit.²⁵ Although the Visiting Committees complied with the labour requirements in the Act, by purchasing additional equipment and making necessary alterations, they quickly found ways to maintain the level of earnings. By April 1866 the Warwick magistrates had purchased eighteen cranks for separate labour and also eighteen looms to provide the hard labour required by the Act, taking advantage of the fact that 'matmaking with a heavy beater' could be approved as hard labour. The provisions with regard to separation were also complied with. The estimated earnings of the Warwick prisoners fell only slightly following these changes, and at Birmingham profits on prisoners' labour actually rose in 1866 to £1507 from £984 in the previous year.²⁶ Thus, magistrates were able to frustrate the official policy on remunerative labour, by turning some hard labour

25. S. & B. Webb, (1922) op cit. pp.196-199.

26. WCRO., Reports of Visiting Committee of Warwick Prison, 1865 & 1866; Judicial Statistics, report on Birmingham Prison for 1865 & 1866.

machines like the crank to useful purposes such as pumping water for the prison and by introducing profitable hard labour such as heavy matmaking and weaving. Of course it would have made little difference to the prisoners that their hard labour was contributing to their own maintenance and saving the county's money. The general tightening-up of discipline after the 1865 Act probably enabled prison staff to demand more from the prisoners. In 1866 seven prisoners in Birmingham prison were removed to the asylum as insane and the Governor was sufficiently alarmed to report that the prison discipline was not to blame.

I do not consider the discipline of the prison had anything to do with the insanity of these prisoners, excepting in one case, and he was a person of weak mind and I understand his father committed suicide. He was under the impression he could not do work enough to please the officers. 27

Discipline at Birmingham prison was likely to have been an especially sensitive issue because only a decade earlier had occurred the scandal of the suicide of fifteen-year-old Edward Andrews in 1854 who had been subjected to a regime of crank labour and repeated punishments for refusing to work. The penal treatment to which petty offenders were subjected at the time in Birmingham prison routinely consisted of solitary confinement and long hours at a weighted hand crank. After the scandal the hand-crank ceased to be used at Birmingham but was re-introduced into Warwick prison for separate hard labour after 1865. The case is a reminder that prison labour for the individual prisoner could be fully penal, exhausting and demoralising, at the same time as annual financial returns show a considerable amount of profitable or useful labour was being carried out by the prison workforce as a whole.²⁸

27. H.M. Inspector of Prisons, 31st Report, for 1866.

28. M. Ignatieff (1978) *op cit.* pp. 207-8.

The incident and the enquiry is reported in PP 1850 XVI pp. 233-236; and PP 1854 XXX p.x.; XXXIV p.v.; The crank was not used at Birmingham after this, even for punishment: H.M. Inspector of Prisons, 19th Report, for 1854.

Yet even under the Prison Commission, whose first priority for prison labour was deterrence, it was found expedient to use mechanical penal devices for production.²⁹ A treadwheel was installed in Birmingham prison in 1879 and from the outset was used to grind corn for the prison. The stones had become so worn from grinding by 1886 that the wheel had to be taken out of productive use. Although this need not have altered the use of the treadmill for prisoners undergoing the first stage of hard labour, the number of men employed on it fell from an average of 38 per day in 1885 to only nine per day in the following year. In 1889 the machinery was given a general overhaul and began to grind wheat again, the daily average number of men treading its steps returning to thirty-seven.³⁰ It seems that the change in administrative bureaucracy had resulted in little change in the way labour was organised at the prison. In effect, as profitable production was gradually run down by the Commissioners, self-sufficient production for use in the prisons or other government departments, became more important.³¹ In 1881 only eight out of a daily average population of 417 male prisoners were employed on unproductive hard labour machines. Similarly at Warwick prison productive labour predominated under the Prison Commission. In 1879 a handful of prisoners did labour measured only in terms of revolutions of the hand-crank, but the practise of employing men pumping water and grinding corn continued and by 1885 no unproductive labour at all was returned for Warwick in the reports of the Commissioners.³²

29. The Chairman of the Prison Commission, Sir Edmund DuCane was opposed to such modifications for production being made by local prisons and favoured labour that was purely penal; R. B. Orr, 'In Durance Vile' (1967) *op cit.* pp. 237-8.

30. Prison Commission, 3rd Report, 1879-80 and 11th Report, 1887-88.

31. Prison Commission, 5th Report, 1881-82, p. 7. The aim was to work for Government Departments as much as possible.

32. Prison Commission, 2nd, 4th and 8th Reports for 1878-9, 1880-1 and 1884-5.

Table 3 shows that profitability in terms of the value of prison labour rose rather than fell under the Commissioners.

Clearly the abolition of unproductive labour in 1896 was a meaningless gesture in local prisons such as Birmingham and Warwick, where the vast majority of prisoners had already been contributing something towards their own maintenance by productive labour through two eras of prison administration. The conditions in which labour was carried out did undoubtedly alter over the period, a change from association to separation and silence, but the local authorities' determination to maintain the remunerative value of prison labour meant that sometimes the full rigours of prison discipline were waived in order to minimise the amount of purely penal work that was done. It seems likely that the principle of self-sufficiency was given its fullest application in the period before 1865. After the 1865 Act the ruling that all prisoners on sentences of 14 days or less should spend the whole period in separation at hard labour of the first class meant that a large proportion of prisoners always had to be kept at labour such as oakum picking, although women could be set on more useful tasks such as washing and mending. In 1879 the Progressive Stage system was extended to prisoners sentenced to imprisonment, besides those sentenced to hard labour terms, so by the 1880's all prisoners spent their first month at penal work.³³ From the prisoners' point of view the magistrates' concern with self-sufficiency did not alter the conditions of separation or long hours at repetitive tasks, while governors often complained that workers who could have been doing urgent maintenance work about the

33. PRO. HO 45/9523/27358.

prison, could not be made use of during a short sentence.³⁴ The magistrates were bound by the law to impose penal work, but it is clear that self-sufficiency of the prison was seen by them as more than just an incidental spin-off from deterrent imprisonment. In the following section the discussion turns to the case of the lunatic asylum, in which a daily labour routine was from the outset an important part of the moral treatment of insanity and remuneration to the ratepayer was ostensibly a secondary priority.

III

Patient Labour in Warwickshire Lunatic Asylum

There were long-established therapeutic reasons for setting asylum inmates to work. Samuel Tuke's system of treatment at the York Retreat, Sir William Charles Ellis' methods at the Wakefield Asylum and John Conolly's non-restraint policy at Hanwell all gave 'energetic employment' a central place in the new 'moral treatment' of the insane. Employment prevented patients from dwelling on their delusions and thus promoted recovery and the regaining of habits of self-control. To this end, it was considered that 'those occupations in which a man labours to some useful end' rather than mere amusements, were the best form of therapy.³⁵ Asylum superintendents of the less reformist mould also acknowledged the value of occupation for patients, as a useful tool for their organisation and control. At St. Lukes Asylum for example, employment was provided from the 1830's onwards simply in order to distract patients from brooding on their predicament, to aid the control of otherwise unruly inmates

34. H.M. Inspector of Prisons, 38th Report, for 1873, p. vii : 'By this rule the hands of the gaol authorities are tied, and instances are of daily occurrence where the services of various tradesmen, are much required for prison use, it would be of great value in saving expense, if not in making money, but the authorities are precluded from availing themselves of such labour.'

35. S. Tuke (1813) *op cit* p.156; R. Hunter and I. McAlpine, Three Hundred Years of Psychiatry (1963) pp.871-872.

and not as a specific treatment for insanity.³⁶ Nevertheless some therapeutic justifications were offered for giving lunatics work to do in the asylums of the 1830's and 1840's. R. J. Cooter has suggested that the pseudo-science of phrenology, at its peak at this time, encouraged the individualised treatment of mental illness. It advocated that patients be found employment individually suited to them, through a phrenological diagnosis, with the aim of restoring the individual balance of each patient's brain. In Cooter's analysis, when phrenology began to decline in the 1850's the therapeutic rationale for occupation was thus lost, leaving only the practical results of patient employment; an easily-managed asylum population and greatly reduced costs.³⁷ However, useful and individualised occupation continued to be advocated as an integral part of moral treatment, long after the phrenological heyday. The 'Manual of Psychological Medicine' written by John Bucknill and Daniel Hack Tuke in 1858 and **re-printed in 1879**, advocated occupation as a means of treating, for example, a condition called 'general depression, without delusion':

The appropriate treatment is, to gain the patient's confidence, to fix his attention, and to furnish interesting and wholesome objects of thought, which will divert his mind from introspection, which will diffuse abstracted thought, and loosen the hold of concentrated emotion. For this purpose useful occupation is far superior to any form of amusement. The higher the purpose, and the more appellant the nature of the occupation to the best abilities of the patient, the more likely is it to draw him from the contemplation of self-wretchedness, and effect the triumph of moral influences. 38.

36. C. N. French, The Story of St. Luke's Hospital (1951) pp.44, 85

37. R. J. Cooter, 'Phrenology and the British Alienists. Pt II.' Medical History April, 1976. pp. 137, 147.

38. J. C. Bucknill and D. H. Tuke, A Manual of Psychological Medicine (1858) p.513

The Commissioners in Lunacy, as the central administrators of the county asylum system set up by the 1845 Lunacy Acts, were fully committed to the 'moral treatment' of the insane from the outset, and continued to stress in their reports throughout the latter half of the century that patients should be employed in their own interests rather than those of profit or convenience to the asylum. Yet their position was an ambivalent one, encouraging asylums to provide useful and preferably outdoor labour for inmates in the interests of therapy, while simultaneously praising those asylums which also managed to give patients profitable work or save money by employing them on the chores of the institution. In their report of 1852, when the building of County Asylums was gathering momentum, the Commissioners advocated that the work of landscaping the asylum grounds, making drives and roads and constructing farm buildings, should be left until 'a considerable number' of patients had been admitted, as these were 'all operations which can be far more usefully and effectively undertaken after the asylum has been for some time opened and most of them will furnish excellent out-of-door employment for the male patients, whose own almost unassisted labour may carry out and complete them at a much smaller expense.'³⁹ This ambivalence typified the viewpoint of many asylum superintendents as well. When the Commissioners sent out a questionnaire on treatment, restraint and seclusion to the county asylums, in 1853, very few superintendents included the employment of patients in their replies. Of those who did discuss occupation as a part of treatment, few failed to mention the financial gain to the asylum.⁴⁰

39. Lunacy Commissioners, 7th Report, for 1851-2, p.7

40. Lunacy Commissioners, 8th Report, for 1853-4, Appendix G.

What then, was the balance between the principles of moral treatment and practical economy which lay behind the image of the Victorian asylum, in which useful employment was held as the central determinant of the moral treatment regime? The reports of Warwick and Birmingham asylums, supplemented by casenotes and the Lunacy Commissioners' Reports provide evidence about the value and nature of asylum work from both the patients' and the ratepayers' perspectives. Unlike prison labour, production of goods for sale outside the institution was little utilised by asylum administrators.⁴¹ This, however, did not prevent superintendents and magistrates alike from appreciating the financial value of lunatic labour for the benefit of the asylum establishment. Self-sufficient production for the institution and healthy therapeutic occupation could both be provided by setting patients to work on agricultural land within the bounds of the institution, and work on asylum farms became the most general form of patient labour in the Victorian lunatic asylum. Outdoor labour was highly valued in moral treatment by asylum superintendents and Commissioners alike. Dr. Cleaton of the Rainhill Asylum, Lancashire, considered outdoor occupation 'the best substitute for seclusion'. When artisan patients were unable to work due to a 'paroxysm of excitement', Cleaton sent them to work on the asylum farm whereby 'the intensity of the attack is often lessened and its duration shortened, while the nervous energy involved is turned into a profitable channel'.⁴² Dr. Dickson of the Manchester Royal Lunatic Hospital rated farm and garden work as next in importance to medical treatment as a cure for insanity and extolled the

41. Between 1856 and 1866, the contribution of monies received for goods and produce of inmate labour sold, to the average weekly cost of a patient, rarely exceeded 5% at Warwick Asylum and only once reached 12% at Birmingham.[Calculated from Lunacy Commissioners Reports]

42. Lunacy Commissioners 8th Report, for 1853-4, Appendix G. p. 130

benefits of outdoor labour:

The society of their fellow patients, the comparative freedom, the entire appearance of free will, the enjoyment of being out in the open air, unsurrounded even by a wall, appears to engender feelings of trust and confidence in the mind. ⁴³

The Lunacy Commissioners insisted that the new asylums of the 1850's employ as many patients as possible out of doors. Such employment was held 'not only to occupy the mind but to improve the bodily strength and promote a healthy state of the natural functions' and the employment of artisans in workshops was to be resorted to only as a supplement to outdoor occupation.⁴⁴ The asylums built in this era were generally designed with such occupations in mind, and incorporated large estates of agricultural land and farm buildings.

An examination of the accounts of the farms of Warwick and Birmingham asylums suggests these were large-scale undertakings. [See Appendix for Warwick farm account]. The farm and garden at Warwick County Asylum enabled the institution to be virtually self-sufficient in potatoes and a wide variety of other vegetables as well as in milk and pork. The estimated value of these foodstuffs only accounted, however, for around 12% of the total cost of the institution's provisions throughout the latter half of the century. Although the farm's productivity was increased over the years in order to supply a gradually increasing number of inmates, its contribution in cutting the total cost of provisions never rose above twelve per cent. In financial terms Warwick Asylum's farm was far from profitable; in the first ten years of its operation it barely paid for its running costs. In 1858 the cost of the garden and farm was reckoned at £443.1s or around seven pence per patient each week, while it supplied

43. *ibid* p.148

44. 'Further Report of the Commissioners in Lunacy', June 1847, p. 225

foodstuffs to the value of £440.9s.7d for an average of 293 patients, or just under 0s. 7d. per inmate per week. By the early 1870's however, the farm was producing from one to two hundred pounds more in the value of goods supplied to the kitchens, than it cost to run, and continued to produce a surplus for the next twenty years.⁴⁵

Birmingham Asylum's farm and garden was from the beginning a more profitable enterprise than at Warwick. In 1870, for example, it supplied over £2400 worth of goods for an average daily number of 601 patients, supplying the asylum with vegetables, eggs and milk. To further economise the asylum bought its own livestock for slaughter at the farm and the dairy herd produced enough milk to supply the borough prison as well. Practical economy and the advantage of ready supplies of good quality fresh foods were the main features of the agricultural enterprises of these two asylums. The therapeutic benefits of farm labour, however, could only be extended to a small section of the asylum population. In 1870 at Birmingham the farm provided employment for a daily average number of only 44 patients, out of 601 resident at the asylum, while at Warwick in 1872 the farm occupied 52 men in the Spring months, out of a total of 235 male inmates. The reason for such low numbers was that many asylum inmates were not capable of strenuous work outdoors, and in fact the numbers of men employed on the farms in the early 1870's represented around a third of the employable male patients at each institution. That such considerable proportions of active patients were employed at agricultural and gardening work, particularly at Warwick where the financial benefits of the farm remained low, does indicate that this kind of work was viewed as an essential part of treatment. [See Table 4 for numbers employed in different types of asylum work].

45. WCRO. Warwick County Lunatic Asylum (hereafter WCLA), Annual Reports: Garden and Farm Accounts.

In most asylums, particularly those situated on the outskirts of towns which found themselves and their agricultural land enveloped by suburban development, outdoor labour was supplemented by occupation indoors in workshops.⁴⁶ Much of the work done was for the use of the institutions themselves, as at the Prestwich Asylum, Lancaster, where patients and attendants in the early 1850's had made three-fifths of the original stock of furniture, bedding and clothing, in addition to keeping up furniture stocks and carrying out general repairs within the buildings. Some institutions though, made goods on a commercial basis. At the West Riding Asylum in 1861, a weaving shed containing about twelve looms was in constant use, and about 250 yards of sheeting and other linen were woven every week.⁴⁷ This was exceptional, however, and most asylums aimed to be self-sufficient from indoor manufactures rather than make a profit. As was the case with prison labour on the 'services of the prison', work done by asylum inmates in the laundry, kitchens and on routine maintenance of buildings, could save more money for the administration than any profitable work that they might have been set. The Lunacy Commissioners never went so far as to place any monetary value on this kind of inmate occupation in their annual reports, but asylum superintendents, anxious to impress the Visiting Committee of Magistrates, frequently did. Dr. Green of the Birmingham Borough Asylum was able to set a monetary value on the work done by his patients in 1861. He wrote that a daily average of 235 had been

46. Birmingham Borough Asylum, Report for 1870. Patients were having to take walks inside the boundaries, as buildings now surrounded the Asylum on all sides, and patients could not get into the countryside.

47. Lunacy Commissioners, 16th Report, 1861-62.

employed during that year:

The occupation of the patients continues to afford not only one of the best means towards their restoration to health, but the institution is benefited thereby. The value of their labour for the year, estimated at a very low rate, amounts to £810.10s.7d. ⁴⁸

The rate at which such work was valued was certainly very low by comparison with the rates at which prison labour was valued. At Birmingham Asylum in 1862 the work of 26 women in the laundry was valued as worth £5.3s.8d per laundress for the year, whereas at Warwick gaol in the same period, seven laundress prisoners did work valued at around £28 per head per year. One must assume that the women employed did almost all the institutions' laundry, and it seems inconceivable that the prison should have had more washing than the asylum. As Dr. Green gave no indication of the basis for his valuation rate, it is difficult to say whether patients who could be set to work, like their counterparts in prison, saved the institution the cost of their maintenance. Artisan labour at Birmingham Asylum was valued at sixpence a day by Dr. Green, and as the cost per patient in the 1860's was an average 7s7d per week, it can be reckoned that inmates doing skilled work would earn the equivalent of at least half of their cost. ⁴⁹

An extract from the Warwick County Asylum superintendent's report for 1866 indicates perhaps more clearly than money values the real contribution which patients' work made to the establishment:

As estimating the value of the patients work, I may mention that one paid shoemaker, with the aid of five and sometimes six patients, does all the making and mending; whilst a tailor attendant, with an average of eight or nine patients, makes and repairs all the men's clothing, mattress-cases, and many other useful requisites. Three constantly, and one occasionally, assist the 'baker and brewer'; and one of them, for a long period took the entire management of

48. Birmingham Borough Asylum Reports, 1861 p.8

49. *ibid*, 1860-69.

the brewing. Five work in the carpenter's shop, and one of them is a very ingenious and valuable workman, to whose steady skill we are indebted for numbers of washing stands, picture frames, flower stands and other work on the female side, and for almost all carpentering required in the men's wards. One is regularly employed in the clerk's office and stores. A smith patient keeps the forge usefully at work. One acts as stoker, and helps in the gas-making; whilst the painting, papering, colouring and whitewashing, in the male division are almost entirely the work of patients; and much similar assistance is rendered by them in the female division. Among the females the work done is in all respects equally useful. 50

Dr. Parsey of Warwick Asylum describes the patients' work as 'assistance', but it is evident from such extracts as the one above, that inmate labour went well beyond merely helping the artisans and attendants. The able-bodied inmates were largely responsible for the routine day to day maintenance of the institution, and probably paid for their cost to the ratepayer by the amounts saved through their work.

Women patients in particular had the job of keeping the asylum clean and the inmates properly clothed. The idea that healthy outdoor occupation was the best therapy for insanity seems to have been waived in the cases of the female patients who spent their time sewing or knitting for the asylum, doing the laundry or helping in the wards or kitchens. Bucknill & Tuke in their Manual suggested that more work be found for women on the grounds; 'the dairy, the piggery and the poultry yard, come fairly within the conventional sphere of woman's duties', but their influence was not felt at Warwick or Birmingham.⁵¹ It was a matter for criticism when the Lunacy Commissioners learned in 1867 that the clothing and shoes for Birmingham Asylum were only partly made on the premises. In 1871 at Warwick Asylum an average of around 70 female patients were employed daily

50. WCLA Reports: Superintendents' report, 1866, p.11

51. J.C. Bucknill & D.H. Tuke, (1858) op cit. p.687

at needlework, with 20 knitting, between them making 5,940 articles in the year, including 592 aprons, 214 flannel vests, 376 mens shirts and 329 petticoats. The superintendents' annual reports at this time give the impression that for working patients, the asylum resembled very much a village community, or, more appropriately, the establishment of a large country house, as for example when all hands were needed for the hay harvest in 1871. The superintendent of Warwick Asylum was particularly good at finding employment for his patients and was often commended by the Commissioners for the high degree of employment achieved.⁵²

To some extent the case-books of Warwick County Asylum corroborate this image. Where skilled tradesmen were capable of working they were found maintenance work on the asylum buildings or in the workshops, such as the card-sharper and painter who was employed painting the wards during the Summer of 1881 and again in 1888 on a subsequent admission, or the 'weakminded' man who had served a year as a blacksmith's apprentice and was employed in the smith's shop in the asylum because although not skilful he was 'anxious to work and make himself useful'.⁵³ It seems that by this date artisans were made use of by the asylum and not set at healthy outdoor labour on the farm, which was limited in the amount of employment it provided. When male patients were not fit enough for outdoor work, they might be taught tailoring and shoemaking, as at Birmingham Asylum following the Commissioners' criticisms, or set to cleaning, portering

52. Lunacy Commissioners, 22nd Report, 31.3.1868. p.231: The Commissioners commented that the large number of employed patients was a 'credit to Dr. Parsey and staff, considering the large number of the very young, very old, helpless and idiotic.' Information about the hay harvest taken from case No. 058 [Criminal Lunatics].

53. Cases 109, 1015 [Criminal Lunatics (C.L.)]

and storekeeping tasks. Some patients might be enlisted to help care for the chronic and elderly patients who were not able to work. A woman admitted to the County Asylum in 1853 had spent nearly twenty years at a private asylum at Duddeston, near Birmingham, following her trial for infanticide in 1836. It was reported that she had acted for a long time as an under-nurse at Duddeston, and appeared to have recovered years previously. At Birmingham in 1854 one patient worked in the dispensary, another was a porter and another was in charge of a ward. By 1870 almost one-half of the male patients employed at Birmingham were assisting the attendants in the wards; and it must have been a temptation to attendants to make inmate ward-workers do the tasks which they themselves found dirty or unpleasant.⁵⁴

The casenotes also reveal aspects of this central part of asylum life which do not emerge from the superintendents' reports. Patients could not be forced to work; some flatly refused and others were mentally incapable of responding to persuasion. A labourer described as a congenital idiot could not be got to conform to the work-routine.

The casebook records that:

'after much trouble he was induced as a ward helper but is very idly disposed and from the statements of his mother he has evidently been brought up in complete indulgence and idleness. Tried to be taught shoemaking and tailoring but as yet without success and has cunningness enough wilfully to do work wrongly in order to avoid it. 55

Besides those who would not work, many inmates, particularly on their admission to the institution, were out of reach of the routine of the

54. Case 003 and see also 084, a woman whose child was born in the asylum, after which the patient worked as a domestic servant at the matron's rooms for a month before her discharge.[C.L.]; Birmingham Asylum Reports 1854 and 1870.

55. Case 008 [C.L.].

asylum. Reports are frequent of people sitting around the wards staring vacantly ahead and taking no interest in their surroundings, perhaps broken only by crying, laughter or the repetition of a particular phrase. One such was a seventeen-year old girl admitted from prison, after having been convicted of stealing a ring from a public house where she had been employed. On admission to the asylum she was reported as 'able to do nothing but wring her hands and cry', and when spoken to would only repeat short phrases such as 'I am not sorry' and 'Why did I do it?' A collier described as an 'imbecile of filthy habits' was reported to be sunk 'deep in dementia' and 'just had sense enough to come unbidden to meals, on seeing preparation made'.⁵⁶ By the last quarter of the century patients who through mental incapacity, old age or infirmity could not be employed were no longer a small minority. Out of 637 inmates at Warwick County Asylum in March 1881 only 388 were in daily employment, so that nearly forty per cent of the patients were unoccupied; either bedridden, sitting vacantly in the day-rooms or wandering aimlessly around the airing courts, giving the hospital the gothic and depressing image which the word 'asylum' still conjures up today.

Part of the problem was that the size of the asylum population increased with no corresponding increase in facilities for employment. Between 1871 and 1881 the number of male patients in the already full Warwick Asylum increased by 25%. Dr. Parsey managed to maintain a proportion of two-thirds of the men at some form of occupation, by enlisting extra ward-helpers, setting patients to work at picking hair mattresses and inventing a new category of labour called 'mental employment', which was probably clerical work for the asylum. The

56. Case 106 and 104, both sent from the county prison. [C.L.].

development of such types of occupation for asylum patients indicates the disintegration of the ideal that moral treatment could only be achieved through employing patients in outdoor physical labour, into no more than an attempt to keep them employed at something, no matter what. Hair-picking was the renovation of the asylum's mattresses and could be done outdoors in good weather or indoors in winter. It demanded little skill and so was ideally suited to patients 'whose mental and physical incapacity render them capable of only the simplest kinds of work', and so were the most difficult to occupy.⁵⁷

In 1871 equal numbers of men and women, 46 patients in all had carried out this kind of work. By 1881 the priority was clearly to employ as many of the men as possible and Dr. Parsey reported that,

'Every mattress in the institution is picked by this class of men, and remade, at least once in the year with the object partly of giving occupation, partly of promoting the comfort and health of the inmates. 58

The number of men employed on the farm or in the workshops remained stable over these ten years, presumably at saturation of the facilities. Employment for the increasing numbers of male inmates was at the expense of the women patients and fewer of them could be found suitable work. As the number of women patients resident in the asylum increased, the asylum statistics show that over a third of the women patients were unoccupied. [See Table 4] Some asylum labour in this era was hard to distinguish from that of penal institutions. At the Devon County Asylum in 1861 a regular feature was to have 25 male patients picking coir and 21 picking oakum, while Birmingham Asylum introduced stonebreaking in the late 1850's.⁵⁹

57. WCLA, Superintendent's Report, 1881, p. 10

58. *ibid.*

59. Devon County Lunatic Asylum, Report, 1861; Birmingham Borough Asylum, Report, 1858.

The picture presented by Warwick County Asylum in the third quarter of the nineteenth-century is not one in which work therapy had declined altogether, but one in which the superintendent was prepared to set patients at any small task that could be construed as regular employment, struggling to maintain the level of occupied inmates that had been possible in the early years. 'Mental employment' for example, would probably have been considered detrimental to the patient's condition in the 1840's but in 1881 was a means of adding another fifteen employed inmates to the roll-call. Why was patient labour so important to the asylum administration? Clearly there was a limit to the amount of work that could be done in the name of self-sufficiency. Increasing the number of patients doing ward-work may well have helped to maintain minimum standards of care without having to employ large numbers of extra auxiliary staff, but employing inmates remaking mattresses and doing small 'mental' tasks seems to indicate that superintendents were having to create new types of work for patients. It is notable that few extra resources were made available during this period to increase the number of workshop facilities and no attempts made by the magistrates' committees of either Birmingham or Warwick Asylums to tackle the problem of providing useful employment for asylum inmates.⁶⁰ Of course so long as the asylum remained partly self-sufficient the justices had no incentive to devote time and money to the welfare of the patients, other than to ensure that standards of hygiene and the required number of square-feet per inmate were maintained. This attitude was encouraged by waning enthusiasm for the curative results attainable in public asylums. In 1866 the Lunacy Commissioners conducted a survey which indicated

60. One of the few changes at Warwick Asylum which did increase employment facilities, was the extension of the laundry in 1870, following a complaint from the superintendent that it was inadequate both for laundry service and female employment. **WCLA Report**, 1869, pp. 11-12.

that only 10% of the pauper lunatics resident in county asylums in January of that year were considered to be curable cases.⁶¹ By the beginning of the 1870's in all the countries which had espoused the idea of applying the moral treatment of insanity in public lunatic asylums, the initial belief that this method would be the panacea for insanity had given way to pessimism.⁶² In the largest English asylums, such as at Prestwich and Colney Hatch, and in the big American State Asylums, moral treatment methods had always been hampered by the huge numbers of patients to be dealt with and insufficient resources.⁶³ The developments at Birmingham and Warwick institutions, however, suggest that in the smaller English asylums, where in the early years moral treatment had seemed attainable, superintendents were reluctant to give up the principles of Tuke's treatment which they had learned in the era of optimism. William Parsey, for example, had been Assistant Medical Officer to the pioneer of non-restraint Dr. John Conolly, at Hanwell Asylum in the 1840's and also to Dr. Bucknill at the Devon County Asylum. Parsey's deputy, Dr. Sankey had been in charge of the female department at Hanwell in the 1850's and before coming to Warwick Asylum, had owned a private asylum in Cheltenham. Both these men knew what was attainable in a small institution and continued to claim the virtues of moral treatment through useful occupation of the patients, long after moral treatment had ceased as a viable method in the institution. While asylum superintendents continued to claim that patients were usefully

61. Lunacy Commissioners, 21st Report, 1867 p.63

62. Rothman, Discovery of the Asylum (1971) op cit. pp. 265-267

63. *ibid.*

e.g. Lunacy Commissioners 22nd Report 1868: At Colney Hatch only 90 out of 850 male patients were employed on the land or in the workshops.

occupied, and cobbled together tasks for them, in order to keep up the proportion of employed in the asylum reports, local authorities were unlikely to take up the question themselves.

Besides this reluctance to admit the decline of moral treatment, keeping patients busy had become an indispensable part of the daily organisation of asylums. As the size of county asylums grew, inmate occupation was one of the few means of maintaining order, and organising the patients from day to day. In particular, in the two asylums studied, work seems to have been one of the chief diagnostic tools for assessing a patient's mental state, and patients were required to work normally in order to demonstrate recovery. An inmate's response to his asylum occupation, his or her capacity or willingness to work is mentioned in almost every case-history, often with some note of the type of employment given to the patient. Dr. Parsey stated his own view of the therapeutic value of occupation in his 1866 report:

Employment of a patient means a certain stage of mental improvement, or an arrest of mental deterioration; it indicates so much lighting up of an impaired or decayed intelligence; the exercise of so much self-control; in some the concentration of so much attention and the willingness to return to it is often one of the first and most valuable indications of a returning dawn of reason. And it is in the promotion of objects such as these that industrial employments have their special significance, and require careful and judicious supervision in the hands of trained and skilled directors. 64

Two years later, the report contained a description of the organisational value of asylum labour

In an asylum of this nature more than in any other institution does useful employment signify, pro tanto, absence of mischievous employment, suppression of general discomfort and control of perverted, troublesome propensities. 65

64. WCLA Report for 1866 p.12

65. WCLA Report for 1868 p.16

It was perfectly possible for both these opinions about the value of inmate labour to be held simultaneously, because in fact both the reliance on work as a diagnostic tool and as a means of inmate control, were woven into the daily fabric of asylum life. The continuance of efforts to employ as many patients as possible, even when the returns were far from impressive in terms either of cures or financial benefit, must be seen as the desperate remedies of superintendents trying to keep their institutions running smoothly, in the face of increasing numbers of patients on the books. It did not matter if work inside the asylum bore little resemblance to the kind of moral treatment envisaged by the early reformers, or even to the ideal of later authorities like Bucknill and Tuke, that 'the higher the purpose' of the work, the better for the patient it was.⁶⁶

Work inside the pauper asylum came in fact to be a substitute for the 'respectable' pattern of life outside the institution. The asylum which had set out to be a haven from the tribulations of nineteenth-century society, now offered the pauper lunatic the opportunity to prove he could conform to one mainstay of that society outside the asylum; regular, and perhaps unwelcome, labour. At Warwick Asylum, the kinds of work patients found themselves doing in the name of moral treatment, were ironically similar to their daily occupations before entering the institution. Women found themselves doing domestic chores, agricultural labourers might be sent to work on the asylum farm and artisans did odd jobs around the asylum buildings or made equipment for asylum use. Patients who refused to work or who ceased daily work suddenly were diagnosed as seriously disturbed or relapsed in their condition. Often patients were punished for stopping work, by withdrawing privileges, such as the tobacco ration, in order to

66. ^{J.C.}Bucknill & ^{D.H.}Tuke (1858) *op cit.* p.513

make them return to their regular work pattern.⁶⁷ The patients' willingness to conform to the discipline of the regular and tedious labour required for the maintenance of the asylum community, had come to be used as the measure of their ability to return to the requirements of a sane mode of behaviour. In the pauper asylums of the last quarter of the century, the occupation of patients had not ceased to be a central part of asylum life, but the ideal of moral treatment in which energetic and useful employment was the agent through which cure could be achieved, had deteriorated into a system in which regular work was both a means of control and the chief test for sane behaviour in an impersonal institution. It is clear that this change represented a gradual compromise adopted by asylum superintendents and the Lunacy Commissioners alike, in the face of the difficulty of employing large numbers of pauper lunatics, many of whom were capable of little. The ambivalent attitude towards using inmate labour as a means of making asylums economically self-sufficient only served to encourage neglect by the magistrates of the moral treatment value of inmates' occupations. To maintain the level of useful occupation in growing institutions would have needed initiative and extra resources from the rates. Some asylum superintendents showed a degree of inventiveness, as they clung on to what vestige of moral treatment they could, but resources were lacking.

IV

Prison and Asylum Labour: treatment or self-sufficiency?

The picture which emerges from study of prisons and public asylums in Birmingham and Warwick County, is one in which the local authorities' concern that public institutions be economically self-sufficient,

67. Case 094 [Criminal Lunatic]

must be regarded as having an important influence on the way institutions were organised. In both prison and asylum, financial benefits of the work-centred treatment meted out to inmates were more than simply a convenient spin-off from the higher purposes of cure, deterrence or reformation. A detailed analysis of the prison accounts of Warwick and Birmingham prisons showed that prison occupations, particularly those carried out by long-sentence male prisoners and women working on the services of the prison, did make a major contribution financially to the costs of imprisonment. More importantly, it is evident that the magistrates' committees who ran the prisons, purposely sought to make penal work profitable, only complying with the demands of the Home Office for separation when the legislation of 1865 enforced it, and even then adapting penal labour to whatever profitable use they could. After the Prison Commission took over the administration of the local prisons in 1877, profit from prison labour became less important as opposed to a uniformly deterrent penal system, but self-sufficient production remained a vital prop of the prison economy. As profitable labour was turned over to production of goods for the prison department itself and other government departments, self-sufficiency in fact became more important than ever under the Prison Commission.

The work routine in the prisons served several purposes simultaneously. For the prison reformer work was to improve discipline, and provide deterrence and reformation; to the prison governor, the work routine was the means of organising and controlling a large number of prisoners in a total institution; the chief concern of most magistrate administrators was that work made the prison less of a financial drain on the rates. Generally the balance between these various priorities

was one of co-existence; attitudes in the localities towards prison discipline were influenced by the ideas of the early reformers and the demands of the government inspectorate, but in the period before 1865 many local authorities watered-down ideas of separation, solitude and penal labour to suit county finances. Prisons such as those in Warwick and Coventry, were architecturally insufficient for the full operation of the separate system, and so long as Quarter Sessions refused to vote the funds needed for rebuilding, the theory of reformatory prison discipline took second place to the use of prison labour as a means of internal organisation and economic self-sufficiency. This is not to deny that the prison system as exemplified by the model prison at Pentonville, from 1842, represented a major ideological break with the past. What has been indicated here is that the influence of the model of separation and penal labour was diffused in the counties and boroughs by magistrates not yet ready to espouse the new ideas. It has also been suggested that it was not until the transfer of control from the local authorities to the Prison Commission, that some uniform system of priority was given to the different attributes of the daily labour routine of prison life. Even then, despite Ducane's insistence that deterrence should be the first priority of prison life, considerable attention was still paid to the problem of securing some return from prison industries in order that persons convicted as criminals should not be kept entirely at the public expense.⁶⁸ It was this insistence on the work of inmates for economic self-sufficiency which linked the prison with all the other total institutions of the Victorian era.

68. E. DuCane, 'On the Utilisation of Prison Labour' Journal of the Society of Arts No.965, vol XIX.1871 p.529

R. B. Orr, (1967) *op cit.* cf. Chapter II

'In Durance Vile',

This is fully demonstrated by the experience of the county asylums, which began their operation with a therapeutic model in which inmate labour was to be the central agent for the cure of insane behaviour. The conclusions to be drawn from a close study of the two public asylums of Warwickshire and Birmingham Borough, fully support, however, Scull's argument that the principle of economic self-sufficiency was central from the earliest years to the organisation of the public asylums.⁶⁹ The labour routine of the publicly-funded institution had been a financial necessity ever since the earliest days of the workhouse. In the new asylums and prisons, daily occupation of the inmates was endowed with new treatment propensities, but its association with self-sufficiency and profitability continued. The study also demonstrated though, that the therapeutic rationale for employing inmates of lunatic asylums was a reality for the superintendents whose job it was to organise asylum labour. While faith in the curative potential of useful employment in moral treatment did subside, as asylums filled with incurables, the ideal of useful employment did not entirely fade away. The examination of work at Warwick County Asylum shows that some semblance of moral treatment did remain for a few of the patients, mainly those who were able to do farm work or the artisan tasks of asylum maintenance. In the meantime superintendents were successful in deluding themselves that this compromised version of Samuel Tuke's individualised treatment was still effective.

The part played by the magistrates in this perversion of treatment ideals, was an incidental one, in which the resources allocated to asylums were so scanty that superintendents were forced to modify

69. A. Scull, 'Madness and Segregative Control';
op cit p.347

their treatment methods. It is significant of the constant squeeze on funds that when surplus sums were raised from fundraising ventures such as the annual fête, the money was generally spent on some means for the amusement of the patients, such as billiard tables for example.⁷⁰ Such things had had a low priority even in the days of optimism, as 'useful' pursuits were given precedence over amusements in moral treatment, but later on superintendents who recognised the dull monotony of asylum life could only justify expenditure on some means of relieving it, if the funds had been provided through self-help. The visiting committee's concern was with administering the asylum establishment, not with maintaining treatment standards.

These conclusions from studying Warwickshire prisons and asylums in tandem, are quite different from those drawn by Rothman's study of asylums and prisons in America. Rothman found both types of institution to become more custodial after the 1850's and to rely less on inmate work as part of a therapeutic routine. This he blames on overcrowding and a loss of faith in the reformatory potential of inmate labour.⁷¹ Yet in the English asylum and prison system, the same overcrowding and demoralisation was met by compromise rather than abandonment of moral treatment in the asylums and by a greater reliance on self-sufficiency and deterrent labour in the prisons. The conclusions of the present study lend support to Scull's view that the asylum had operated from its earliest years as an institution governed by the central aim of efficiency and economy.⁷² The picture presented is not one of discontinuity between the institutions of the late Victorian era and their counterparts before 1850,

70. WCLA. Report, 1863, p.7

71. D. Rothman, Discovery of the Asylum (1971) op cit. pp. 246, 265.

72. Note 69 ibid.

but one in which the underlying constraints on the publicly-funded total institution to be self-sufficient, were so inbuilt into the systems of both lunacy care and imprisonment that they persisted despite changes in attitudes regarding the treatment or profit potential of inmate labour. In essence the dialogue carried out in the evolution of inmate labour during the nineteenth century was between ideology and practise. An interpretation such as that offered by Foucault, which is based almost solely on the ideological dimensions of work as treatment for deviance, will miss the important emphasis which was given to practical economy in the day to day organisation of self-sufficiency in the Victorian total institution. As demonstrated by the experience of the smaller English asylums, ideology and practise were not separate entities, but mutually interdependent, so that asylum superintendents altered their interpretations of moral treatment in order to fit in with the constraints of everyday practise.

Other Warwickshire institutions besides the prison and asylum placed a high value on self-sufficient labour by the inmates. A survey of workhouse employments in 1852-53 showed that household work, shoe-mending, pumping water, sewing and grinding corn were carried out by pauper inmates as well as the familiar oakum picking, hair picking and stonebreaking which raised a small revenue from outside contractors. As the more strenuous of these tasks could only be performed by the able-bodied, a fair proportion of paupers must have been employed on self-sufficient tasks for the institution.⁷³

Penitentiaries for fallen women and girls' reformatories relied

73. Poor Law Board, Report, 1853 PP.1852-53 LXXXIV p.299
 L. Twining, On Workhouses and Womens Work. (1858). pp.48-9

heavily for much of their income on washing and sewing done for outside contractors and employed the women in the household chores of the institution as part of the rudimentary training in the skills of domestic service and housewifery which they offered.⁷⁴

The girls' reformatory at Tile Hill near Coventry also had its own farm and taught delinquent girls 'the management of dairy, pigs and poultry' besides washing, ironing and needlework and 'a plain education'.⁷⁵ The produce of reformatory farms, or the vegetable gardens possessed by some workhouses, was probably never enough to bring in much income from outside but, as at the lunatic asylum, would have contributed greatly to the self-sufficient nature of the institutions.⁷⁶ It was virtually unthinkable to the Victorian mind that any capable inmate should be kept in idleness. Even the mentally deficient children of fee-paying parents at the Midland Counties Idiot Asylum made their daily contribution to the institution, helping with the chores and making handicraft items to sell at fund-raising events.

Most of them attend school for an hour ... one or two assist in the laundry, others fetch coals, and all are more or less usefully employed according to their capacities. 77

The involvement of inmates such as these in the daily maintenance of the institution community may, of course, have had its advantages for inmates as well as for administrations. For long-term patients it may have prevented their slide into institutionalisation and consequent inability to leave the institution, as suggested by E. Stern in a study which compared departures from the Warwick County Lunatic

74. Coventry Industrial Home and School, Report for 1869: the inmates earned nearly £350 from washing and sewing; subsidy from the Treasury was only £136; for Leamington Penitentiary see: Leamington Courier June 15. 1844; 'Female Penitentiaries' (1848) op cit.

75. WCRO., Tile Hill Reformatory Report, late 1850's (no date). (QS 2/1)

76. A. Rollins (1978) op cit. p.47

77. W. G. Blatch in 'The Old Cross' (1878) op cit. p.319

Asylum in the decade 1883-92 with those in 1954. Stern found that although the period of stay in the asylum had shortened for most patients since the 1880's, many more patients were being discharged after stays of two or more years in the nineteenth century than was possible in 1954.⁷⁸ In a few cases a trade learned in the asylum or prison might help an inmate to gain employment after discharge from the institution. Women from Strangeways prison laundry, for example, or who had done tailoring at Woking prison, were trained well enough to earn a living from the work on release, but the work carried out in most institutions was of a low standard and less useful, in terms of future employment.⁷⁹

There is no doubt that it was the punishment and humiliation involved in the labour element of imprisonment and the workhouse which determined the attitude of the poor to the idea of work behind institution walls of all kinds. In 1881 William Fritz, an old man, was granted an in-patients' ticket to a convalescent home in Rhyl, by the Leamington Charity Organisation Society. Fritz refused the grant, however, saying 'He was not going there to pick potatoes when he had a wife at home to do it for him'.⁸⁰ Nor was it for nothing that the asylum gained the nickname of the 'funny farm'; the image of lunatics at labour on the asylum agricultural land may have been an inaccurate one by the end of the nineteenth century, but nevertheless that was the image which stuck. It was work, and the disciplinary setting in

78. E. S. Stern, 'A Statistical Study of departures from a Mental Hospital' British Journal of Psychiatry January 1970 pp.58-59

79. Departmental Report of Committee on Prisons. PP 1895 LVI p.23

80. Charity Organisation Society Casebook. CR 51/No.1770, quoted in D. C. Ward, 'The Deformation of the Gift' (M.A. Thesis, Warwick, 1975) op cit. p.49

which it was carried out that gave Victorian institutions of all kinds a similarity of definition in the eyes of the poor and working classes, their most usual inmates. The Chapters which form the first section of this thesis have demonstrated some of the links between different types of institution and pointed to general similarities in their organisation. The three Chapters which follow treat more closely the questions of what groups of people actually experienced the institutional world as inmates, how they came to be labelled as deviant and how effective the Victorian incarceration system was at the segregation of one type of 'deviancy' from another.

APPENDIX TO CHAPTER FIVE: PRISON AND ASYLUM LABOURTABLE 1. TYPES OF EMPLOYMENT AND NUMBERS EMPLOYED AT WARWICK AND BIRMINGHAM GAOLSWARWICK GAOL

<u>Employment</u>	<u>1858</u>	<u>1861</u>	<u>1867</u>	<u>1869</u>	<u>1873</u>	<u>1877</u>
Picking oakum	-	35	68	42	17	34
Making mats	7	32	64	67	62	66
Grinding flour	55	-	-	-	-	-
Pumping	-	-	18	18	18	18
Stonebreaking	-	-	-	-	-	4
Other industry	6	7	2	1	1	1
Shoemaking	2	7	12	13	11	29
Tailoring	2	3	4	4	3	4
Building maint.	5	30	7	6	4	5
Gardeners	-	-	2	2	2	2
Cleaning	6	26	-	18	18	20
Sewing/mending }	124	9	7	7	7	13
Washing }		5	6	7	7	7
Cooks, bakers, etc.	-	3	4	4	4	4
Cell crank	-	-	-	7	9	11
Unemployed	82	40	31	27	20	20

Total						
Employed	174	157	194	196	163	218

Daily average						
no. prisoners	256	197	225	223	183	238

NOTE: Matmakers in 1858 are at Coventry Gaol, all other 1858 figures are for the gaol and House of Correction at Warwick.

BIRMINGHAM GAOL

<u>Employment</u>	<u>1858</u>	<u>1861</u>	<u>1867</u>	<u>1869</u>	<u>1873</u>	<u>1877</u>
Picking oakum }	185	108	110	1210	1180	110
making mats }		60	96			67
Stonebreaking	-	-	-	40	99	125
Other industry	22	17	21	20	22	22
Shoemaking	27	22	10	18	6	6
Tailoring	12	14	12	20	8	8
Building maint.	8	10	9	15	17	14
Gardeners	-	2	8	5	6	6
Cleaning	25	20	-	-	-	-
Sewing/mending	56	32	16	20	38	24
Washing	12	13	17	20	28	40
Cooks	7	7	9	7	10	9
Cell crank/ treadwheel	-	20	-	-	-	-
Unemployed	7	5	90(?)	77(?)	64(?)	65(?)

Total	354	325	308	375	414	431
employed						

Daily average	361	330	398	452	478	584*(includes
no. prisoners						88 on
						contract from other
						prisons).

SOURCE: Annual reports of Inspectors of Prisons

TABLE 2. WARWICK PRISON: PROFIT AND VALUE OF VARIOUS PRISON EMPLOYMENTS, CALCULATED PER ONE PRISONER EMPLOYED DAILY, FOR ONE YEAR

a) Profitable labour

	<u>1858</u>	<u>1861</u>	<u>1867</u>	<u>1869</u>	<u>1873</u>	<u>1877</u>
	£	£	£	£	£	
Matmaking*	6.91	none	3.72	2.94	2.92	2.34
Grinding corn for hire	2.96					
Shoemaking	5.49	2.52	4.19		3.95	2.55
Needlework for hire	0.55					
Brushmaking			10.36			
Woodchopping			1.00			
Gardening						10.15
Smiths and Fitters						2.94
Oakum picking					1.08	
Stone breaking						1.62
Tailors					10.32	1.74

b) Valuable labour for Prison use

	<u>1858</u>	<u>1861</u>	<u>1867</u>	<u>1869</u>	<u>1873</u>	<u>1877</u>
	£	£	£	£	£	£
Washing at Gaol	10.75	43.58	30.51	28.83	23.03	29.68
" (House of Correction)(18.49)						
Tailors work(at						
House of Correction)(24.54)		20.47	11.47	17.68	7.99	15.22
Needlework(at						
House of Correction) (3.95)		8.42	7.39	6.75	6.62	4.24
Shoemaking	-	20.67	4.33	2.84	2.97	1.69
Painting	4.10	52.27	30.38	35.36	44.27	27.53
Whitewashing	2.22	22.57				
Carpenters	1.92	41.52				
Bricklayers		44.32				
Smiths/fitters		30.25			30.85	
Filers		16.08				
Cultivating ground		19.61				
Roadmaking		15.35				
Bakers		30.00	30.27	31.00	28.32	29.83
Cooks						
Stokers		29.87	31.00	10.83	6.50	6.50
Woodchopping		4.76				
Gardener			10.37			
Brushmaking		4.65			1.70	
Weaving		4.04				
Glove & strapmaking		11.55				
Wellsinking		50.25				
Crankpumping			5.55	5.55	3.04	5.32

SOURCE: REPORTS OF THE INSPECTORS OF PRISONS

* Matmaking profits from Coventry gaol.

NOTE: Figures for 1858 include the work done at the Warwick House of Correction.

TABLE 3: THE VALUE OF PRISONERS' LABOUR IN WARWICK AND BIRMINGHAM PRISONS AND ITS CONTRIBUTION TO THE COST OF THE PRISONS

(Calculations have been made from the figures given for total expenditure and value of work done, in the annual reports of the Prison Inspectors.)

WARWICK PRISON

	<u>1861</u>	<u>1869</u>	<u>1877</u>	<u>1879</u>	<u>1883</u>	<u>1889</u>
	£	£	£	£	£	£
Total costs of prison	7201	6117	7298	5490	5704	4015
Total earnings and savings	1439	1125	1035	1356	1567	655
% contributed to costs by prison labour	20%	18%	14%	25%	27%	16%
Daily average number of prisoners.	197	223	238	281	249	129
Cost per head	£ 36.55	30.74	30.66	19.54	22.91	31.13
No. employed at profitable labour ⁽²⁾	131	164	153 ⁽¹⁾	251	222	111
Value per year of each employed prisoner	£ 10.98	6.86	6.76	5.40	7.06	5.90
% contributed to own cost by each employed prisoner.	30%	22%	22%	28%	31%	19%

BIRMINGHAM PRISON

	<u>1857</u>	<u>1860</u>	<u>1869</u>	<u>1877</u>	<u>1879</u>	<u>1883</u>	<u>1889</u>
Total costs of prison	£ 9619	6828	10656	13295	8038	10148	9186
Total earnings and savings	£ 1609	1636	2460	2995	2914	3442	3548
% contributed to costs by prison labour	17%	24%	23%	22%	36%	34%	39%
Daily average number of prisoners	359	272	452	584	494	523	472
Cost per head	£ 26.80	25.10	23.57	22.88	16.27	19.40	19.46
No. employed at profitable labour	308	221	375	431	399	424	377
Value per year of each employed prisoner	£ 5.22	7.40	6.56	6.95	7.30	8.12	9.41
% contributed to own cost by each employed prisoner	19%	29%	28%	30%	45%	43%	48%

(1). This figure excludes 34 oakum pickers, 'unprofitably employed.'

(2). Profitable labour: This excludes cleaning the prison, and crank task-work.

TABLE 4. INMATE EMPLOYMENT IN ASYLUMSa) Birmingham Borough Asylum

(Average daily numbers resident taken from Table in 1881 Report)

N.B. Patients worked 9 hours per day.

	<u>Type of Employment</u>	<u>Number Employed</u>			<u>Daily Rate*</u>
		<u>1854</u>	<u>1858</u>	<u>1868</u>	
<u>MEN</u>	Work in the grounds	25	25	} 33	3d
	On the farm	3	4		4d
	Tailors	2	few	} 13	6d
	Shoemending	1	-		6d
	Painting	3	few		3d
	Upholstering	1	few		3d
	Carpenters	1	4		6d
	Stoking	3	-		3d
	Galleries & residences	38	29	65	3d
	Porters & Messengers	-	3	7	-
	Attendant	-	1		-
	Grinding malt or corn	-	few		-
	Stonebreaking	-	some		-
	Total men employed	77	66+	118	
	Total men in asylum	134	164	284	
	% male patients employed	57%	40%	41%	
<u>WOMEN</u>	Laundry	24	25	} 41	3½d
	Kitchen	6	8		3d
	Galleries & residences	17	29	38	1.1/4d
	Knitting	12	16	18	1d
	Sewing	47	63	104	2d
	Total women employed	106	141	201	
	Total women in asylum	148	181	330	
	% female patients employed	72%	78%	60%	

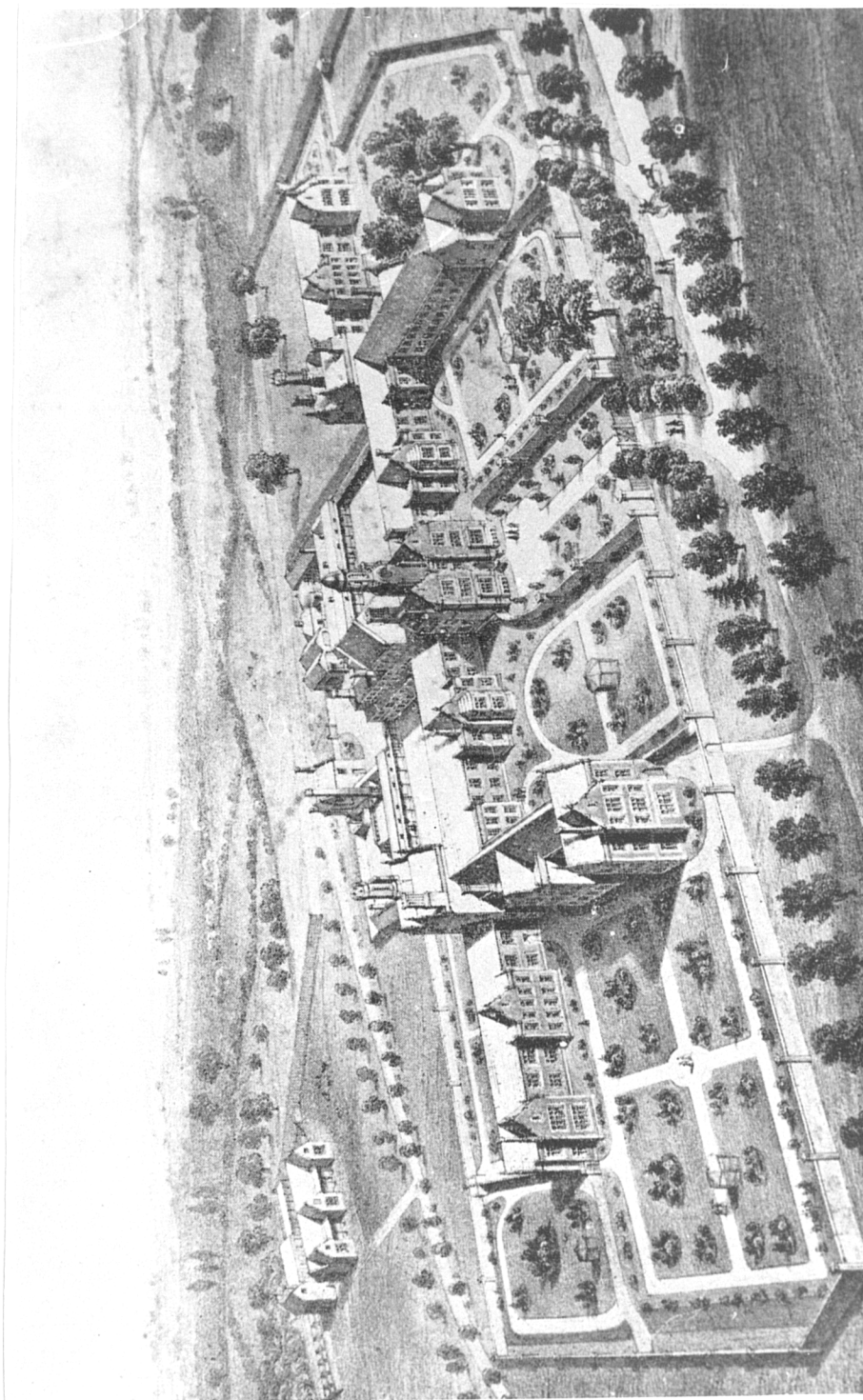
* Estimated for 1854 by Dr. Green.

TABLE 4. INMATE EMPLOYMENT IN ASYLUMSb) Warwick County Lunatic Asylum: Patient Employment 1871-1883

*(Quarter ended early June - Spring Quarter)

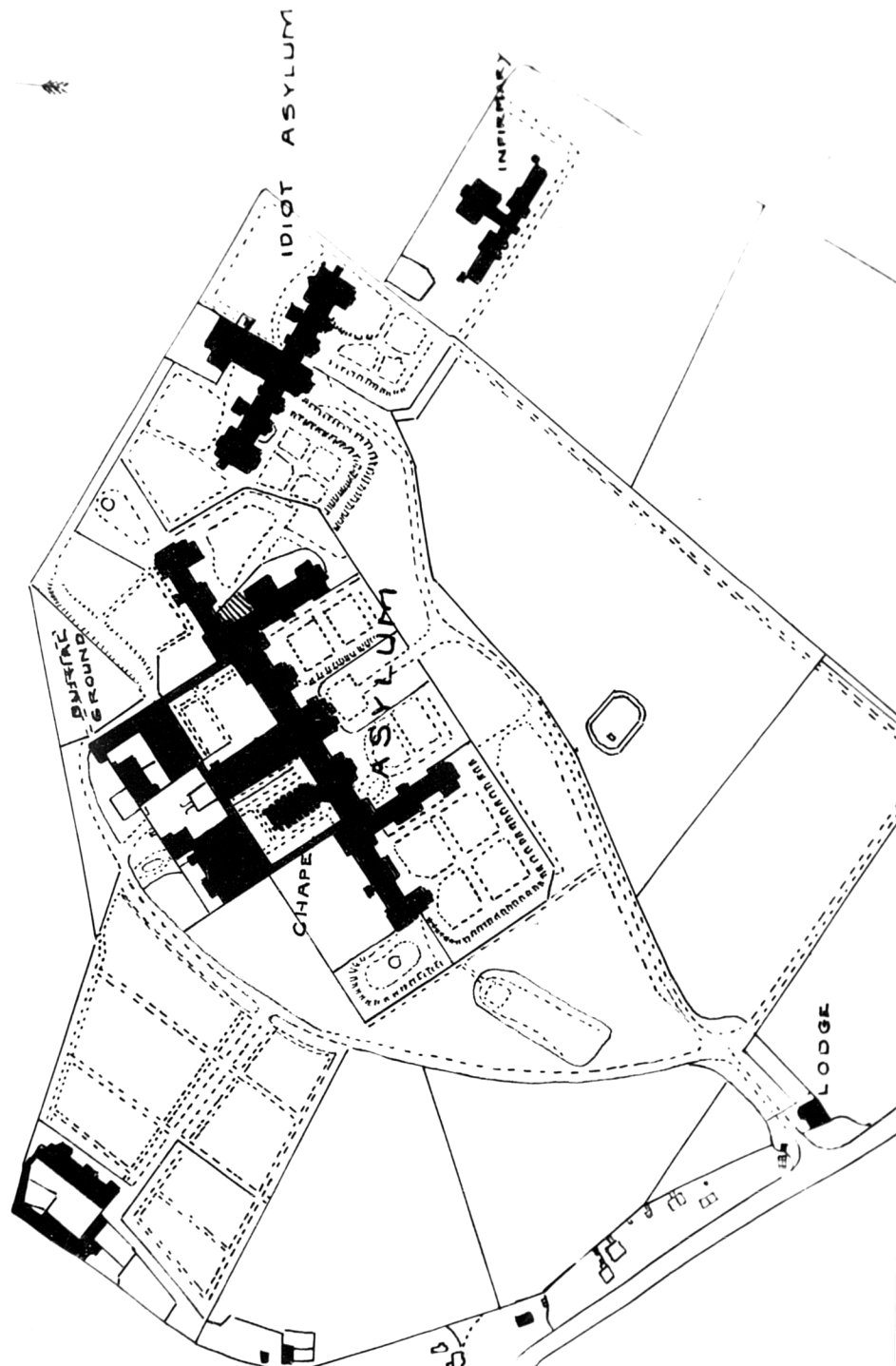
	<u>Type of Employment</u>	<u>Number Employed</u>				
		<u>1871</u>	<u>1872</u>	<u>1876</u>	<u>1881</u>	<u>1883</u> ..
<u>MEN</u>	Garden & farm	58	60	55	55	47
	Tailors shop	13	11	12	7	10
	Shoemakers	2	3	2	4	6
	Carpenters	6	4	4	5	5
	Painters	3	5	} 9	7	10
	Lime washers & cleaners	5	6			
	Engine House	2	2	3	3	3
	Bakehouse	3	3	3	3	3
	Clerks office	1	1	} 2	1	2
	Stores	2	2			
	Kitchen	1	4	4	4	4
	Hair pickers	15	7	22	39	40
	Ward helpers	32	30	50	45	54
	Matmakers	-	-	2	-	-
	Mental employment	-	-	13	15	12
		<hr/>				
Total men employed		143	138	181	188	196
Total men in asylum		230	231	274	285	281
% of male patients employed		62%	60%	66%	66%	70%
<hr/>						
<u>WOMEN</u>	Laundry	30	36	36	41	45
	Kitchen	8	12	8	8	12
	Needlewomen	72	72	99	82	76
	Knitting	21	20	20	21	22
	Hair picking	14	11	-	3	-
	Ward helpers & housemaids	25	27	40	57	61
	Stores	-	-	1	1	2
		<hr/>				
Total women employed		170	178	204	213	218
Total women in asylum		246	267	324	364	378
% of female patients employed		69%	66%	63%	59%	58%

*During the winter months fewer men worked on the farm and more as ward helpers and hair pickers.



The Asylum, 1852

Warwick County Lunatic Asylum

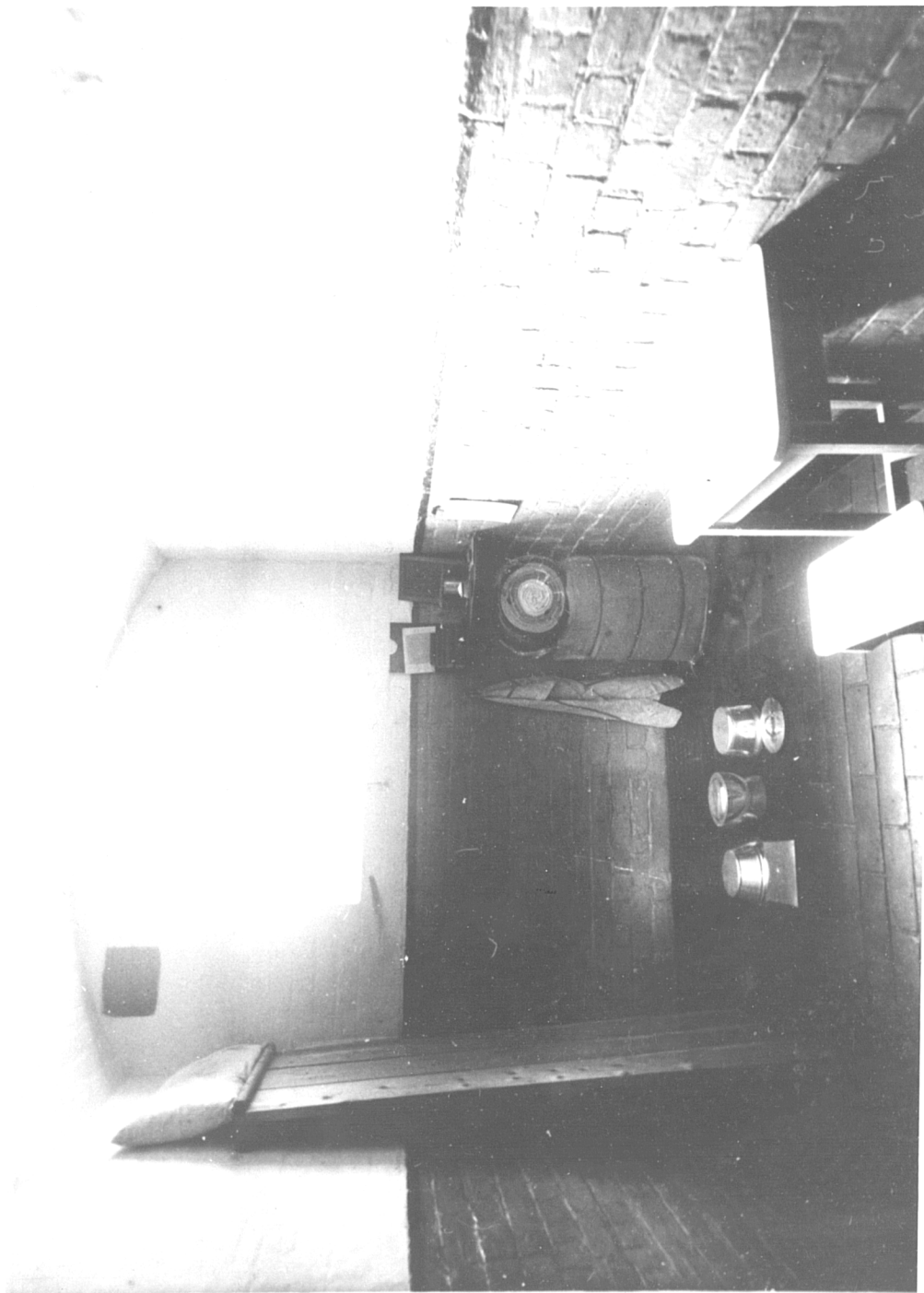




WARWICK PRISON - In the Wood-chopping Yard.
(Photograph circa 1906).



WARWICK PRISON - Exercise Yard and Garden.
(Photograph circa 1906).



WARWICK PRISON - A Prisoner's Cell.
(Photograph circa 1906).

CHAPTER SIX: THE WARWICKSHIRE INMATE POPULATION AFTER 1851;
SOCIAL PROFILES OF THE INMATES OF THREE INSTITUTIONS

I

This Chapter begins with the premise that in order to assess the function of incarceration in Victorian society it is essential to discover exactly which groups of people were likely to spend time in an institution. Between 1851 and 1901, the proportion of the population of England and Wales living as inmates of workhouses, prisons, lunatic asylums, and reformatories, rose from over eight per thousand of population in 1851 to just over ten per thousand in 1901. Most of this increase, both nationally and locally in Warwickshire occurred in the lunatic asylum sector. [Tables 1a and 1b]. It was shown in Chapter two that the second half of the century witnessed an increase in the variety of institutions, but the largest systems affecting adults remained those of workhouse, prison and asylum incarceration. To assess the differences between the inmates of these three types of institution, this study focuses on the entrants to the Warwick County Asylum, the County Prison at Warwick and the workhouse of the largest Poor Law Union in the county; the Warwick Union. The key variables for describing and comparing the social identity of the Warwickshire incarcerated are age, sex, marital status and occupation. In the case of the asylum population, it was also possible to assess the regional origin of entrants to the institution, and the kinds of communities from which they were drawn. As tables overleaf indicate, the asylum was the only institution in this period which actually experienced an increase in admissions greater than the general increase in the population of the country as a whole. Special emphasis has been given in the study, therefore, to the question of how far the asylum in

Table 1 (a)

Number of Persons enumerated as inmates of institutions in 1851 and 1901 as a proportion of the total population of England and Wales. (per thousand of population).

	<u>1851</u>	<u>%1000</u>	<u>1901</u>	<u>%1000</u>
Workhouses	120,978	6.68	208650	6.41
Lunatic Asylums	15,243	0.84	80977	2.78
Private Lunatic Asylums			3741	
Imbecile Asylums			5689	
Prisons	23,753	1.31	17480	1.15
Reformatories/Industrial Schools			19245	
Inebriate Reformatories			596	
Total Inmates	159,974		336378	
Total Population of England & Wales	18,109,410		32527843	
Proportion of total Population in Institutions per 1,000 of population		8.83		10.34

Table 1 (b)

Number of persons enumerated as inmates of institutions in Warwickshire, as a proportion of the total population of the county.

	<u>1851</u>	<u>% 1000</u>	<u>1861</u>	<u>% 1000</u>	<u>1901</u>	<u>% 1000</u>
Workhouses	1249	5.24	1350	5.44	1731	4.82
Asylums	88+	0.37	380	1.53	1068	2.97
Penal Institutions	362	1.52	271	1.09	365	1.02
Other	38	0.16	c.36	0.14	74	0.21
	<u>1737</u>		<u>2037</u>		<u>3238</u>	
Total population	238354		248191		359122	
% in institutions per thousand of population.		7.29		8.21		9.02

Sources

1851 Census Report Appx Table 44; 1901 Census Report p.136 Table XXII & I
1851 Census enumerators' books; 1861 Census Report p.494; 1901 Census, Warwickshire Table 17.

NB 'Orphan asylums and other charitable institutions', itemised in 1851 have been excluded as there was no counterpart for 1901, and the 1851 figures were thought to be unreliable.

particular operated as an extra wing of the penal and poor relief system, to remove from society 'disorderly persons' or people subsisting outside the margins of respectability and on the fringes of the market economy.

Wherever sources permitted the 'inmate population' studied has been on the basis of entrants to the institution rather than census data of the residual population, in order to assess the causes of confinement. Broad profiles of the 'typical' entrant to each of the three institutions in the latter half of the century can be briefly outlined. The typical entrant to the County Lunatic Asylum at Hatton was a person in late middle-age, single or widowed and slightly more frequently a woman than a man. He or she would probably have been following an unskilled occupation and was more likely to have been living in one of the rural or mixed-economy districts of the county than in Coventry. The typical offender committed to Warwick County Gaol was male, single and in his twenties or thirties. His birth-place was as likely to be outside the county as inside it, and of those born locally, Coventry and the textile communities in its hinterland provided most prison inmates, although offenders were generally unskilled workers. The typical entrant to the Warwick Union workhouse was either a man aged over 46 years and not able-bodied, or a woman aged under twenty-five and likely to be able-bodied, bringing with her one or more dependent children. Children were consequently a large group among workhouse entrants, while the residual workhouse population was comprised of orphans and the elderly, most of whom were men. The paupers were mostly unskilled servants or labourers and the majority of them came predictably from the more populous parishes in the Union; Leamington and St. Mary's Warwick.¹

1. See 'note on sources'. p 216

II

Asylum Inmates

How far do these institution entrants differ from the general population of Warwickshire and from each other? The fullest inmates' records available were those of the County Lunatic Asylum. The superintendents' reports provided information on admissions over a forty-year period from 1852 to 1890, while the case notes of all patients admitted during 1861 and 1862 were used to provide material for a more detailed study. These two years were chosen because they would demonstrate the character of admissions and treatment nearly ten years after the opening of the institution, thus avoiding the probable bias in the early years to admit chronic cases from existing institutions, while the census of 1861 was available for comparison with the asylum admissions.

One of the most widely-held stereotypes of the Victorian era was that of the mentally unstable female. This rested in some part on the statistics collected by the Lunacy Commissioners after 1845 which soon revealed that there were more women than men among the asylum population.² The figures for Warwickshire admissions show that in fact the numbers of women admitted were not greatly at variance from their numbers in the general population of the county. Both in the data from asylum reports and the two-year case sample women accounted for just over half of the total number of patients admitted, ranging from 55% of cases in 1861-62 to 53% over the period 1852-1890³

2. E. Showalter, 'Victorian Women and Insanity' in A. Scull (Ed.), Madhouses, Mad-doctors and Madmen (1981) pp 314-316

3. These figures were verified by a count of the male and female admission forms from 1852-1890. Admission policy only affected the relative numbers of men and women admitted between 1868, when overcrowding caused the number of male admissions to be restricted, and 1871, when the opening of the Idiot Asylum eased the pressure of numbers.

Table Two: Sex of Warwickshire Asylum Admissions, compared to the general County Population

(All admissions calculated from Orders of Admission) ✓ ?

	<u>1852-68</u>		<u>1869-83</u>		<u>1884-90</u>		<u>T</u>	<u>1861-62</u>	<u>County Population</u>	
									<u>1861</u>	<u>1881</u>
Male	800	49%	906	47%	479	47%	47%	45%	48%	47%
Female	<u>842</u>	51%	<u>1032</u>	53%	<u>546</u>	53%	<u>53%</u>	<u>55%</u>	<u>52%</u>	<u>53%</u>
Total cases	1642		1938		1025		4605	195	160624*	176555*

*Aged 15+ and excluding Birmingham and Aston.

Source

1861 Census, Table 2 Div. VI Ages of the People in Registration Districts
 1881 Census, Table 2 Div. VI " " " " " " " "

Superintendents themselves had begun to point out by the 1870's that female patients tended to be longer-lived than the men and so tended to accumulate on the asylum books. However, as Elaine Showalter has shown, the medical assumption that women's physiology rendered them especially prone to insanity proved to be a persistent stereotype.⁴

The Warwick case-notes contained examples which demonstrate that bearing large families and 'prolonged' suckling of infants led to malnutrition and physical exhaustion with mental symptoms in women living in conditions of grinding poverty. There was little to indicate, however, that the biological role was either a predominant cause of mental illness or that it was ascribed as such by the Warwick County Asylum Superintendent. Where women worked to contribute to the household income, in the case of the Coventry weavers sometimes the major part of that income, loss of employment and earnings contributed to their anxieties equally with their male counterparts. Case number ¹⁰⁹³ 1088, for example, had travelled from

4. n.2 above, *ibid.*; J. M. Granville, in 'Is Insanity Increasing?' The Nineteenth Century vol 5 1872 p.14, dismisses the idea that women were more prone to insanity as an outdated misconception, but T. More-Madden, On Insanity and Nervous Diseases Peculiar to Women (Dublin 1884) p.14 restated that the increase of insanity was most marked among women.

Coventry to Manchester with her mother in 1861, both of them looking for work as silkwinders and leaving the father behind in Coventry. Failure to find work in the north, however, drove them both into the workhouse and the daughter finally into the Lancaster Asylum. When transferred back to the Warwick County Asylum in December 1862 she was described as in 'a melancholy and desponding state of mind caused, ^{died in NOV} as she states, by want of employment both to herself and to her parents. Complains of pain in her head and cannot sleep from anxiety about her parents'.

Entrants to the Warwick County Asylum were disproportionately drawn from the older age-groups in the county population. Around half of the admissions between 1852 and 1890 whose age was recorded by the asylum superintendent were aged over forty years, compared to a proportion of only forty per cent over that age among adults enumerated in the two censuses of 1861 and 1881. Only just over a quarter of all admissions fell within the fifteen to twenty-nine age range, while this group comprised around forty per cent of the county population. (Table three).

Table Three: Age of Lunatics admitted to Warwick Asylum 1852-83 compared to the general population of the county

	15-19	20-29	30-39	40-49	50-59	60+	Total cases
Admissions 1852-68	6%	21%	22%	19%	15%	17%	1504
1869-83	6%	22%	23%	20%	13%	16%	1835
Census 1861*	14%	24%	19%	16%	12%	14%	160624
1881*	15%	24%	18%	15%	13%	15%	176555

*These figures have excluded the population of Birmingham and Aston districts.

Source 1861 and 1881 Censuses, Div VI. Table 2: Ages in the Registration Districts.

These differences were slightly more marked in the first fifteen years or so of the asylum's existence, when it might be expected that a number of chronic cases would be admitted from the numerous local private asylums and public establishments outside the county where the Poor Law Guardians had sometimes placed insane paupers before the existence of a county asylum. The practice, however, of keeping cases at home or in workhouses until they became too hard to manage persisted well beyond the early years of the provision of county asylum facilities. In 1861 Dr. Parsey, the Warwick Asylum's superintendent complained that Relieving Officers were returning chronic insanity of many years' standing as of a few weeks or months duration because the 'particular paroxysm of excitement' leading to the lunatics' admission to the asylum had only existed for that amount of time.⁵ In the interests of economy Unions preferred to keep lunatics in workhouses, only transferring them to asylums when they became unmanageable and it was not until the introduction of a government subsidy in 1874 that this pattern began to change.⁶ Thus asylum lunatics admitted from workhouses were certainly likely to be drawn from older age groups. It was also the case, however, that the 'symptoms' of old age itself might lead to incarceration as a lunatic. It was recognised early on that asylums were becoming the receptacles for old people who were too demented, too incontinent and generally too difficult for families and workhouses to cope with, once the asylum provided an alternative. Superintendents resented this totally functional rather than therapeutic use of asylum facilities, but could do little to prevent it.⁷

⁵ WCLA Report for 1861, pp. 6,9.

⁶ R. Hodgkinson, 'Provision for Pauper Lunatics' (1966) op cit. p.153; WCLA Report for 1877.

⁷ WCLA Report for 1882, p.8

Despite the age-structure of asylum admissions, Warwickshire lunatics were comprised of unmarried people more frequently than the proportion of single people in the general county population would predict. Around 45% were unmarried on their admission to the asylum, compared to only 36% of unmarried among the adults of the county population as a whole. There were also higher numbers of widows among the asylum entrants than in the general population but this is explained largely by the asylum population's age-structure. Of the admissions in 1861 and 1862 who could be assessed for marital status and age together, it was found that three-quarters of the widowed people were aged over fifty-six. In a study of lunacy in early twentieth-century California Richard Fox found that early widowhood rendered a person especially prone to the ascription of insanity, but this does not hold for late nineteenth-century Warwickshire.⁸ In the case of the unmarried admissions, there is some evidence that single people came into asylums in disproportionately large numbers simply because they were more institution-prone in general than married people. Of the 96 unmarried men and women who entered the asylum during 1861 and 1862, thirty-eight per cent had entered via the workhouse, compared to only 13% of the married and widowed patients, around two-thirds of whom had become patients directly from home. Walton's conclusions from his study of lunacy in mid-century Lancashire were that families tended to look after their own as far as possible, before consigning an insane or mentally handicapped member to the workhouse insane ward or the county asylum.⁹ Single people, particularly those whose parents were too old to provide for them or had died, were less likely than married people to have a wide network of supporting rel-

8. R. Fox, So Far Disordered in Mind. Insanity in California 1870-1930 (1978) pp. 119-121
 op cit.

9. J. Walton, 'Lunacy in the Industrial Revolution' (1979)
 op cit pp. 14-16.

atives to depend on when in poverty or illness and thus tended to be more prone to entry both into workhouse and asylum.

Table Four: Admissions 1861-1862

	<u>All</u>	<u>Single</u>	<u>All Others</u>
From Home	108	44 (46%)	64 (65%)
From Workhouse	50	37	13
From Asylum	18	11	7
From Prison & other places (e.g. wandering)	19	4	15
	<u>195</u>	<u>96 (100%)</u>	<u>99 (100%)</u>

Walton's study of Lancashire also suggested that asylum entrants were disproportionately likely to be city-dwellers, and least likely to be members of socially cohesive mixed-economy communities, such as those of the textile towns and villages of Lancashire,¹⁰ but Warwickshire presents a different picture. The part of Warwickshire which was the catchment area for the county asylum, did not include Birmingham, which had its own asylum, but it did include part of Aston, an increasingly urbanised union containing Birmingham suburbs, and Coventry. The other registration districts in the county can be divided up into rural districts, in which over a third of the male population was engaged in agriculture, and districts in which less than a third were involved in agriculture, with a substantial proportion engaged in manufacturing, textile, or town-based industries. These latter included the Warwick union, which contained the town of Leamington and Warwick set in a rural hinterland, the Foleshill union in which nearly half the male workforce was involved in textile production, and Nuneaton, in which the major industries were textiles and mining.

The admissions to the Warwick County Asylum during 1861 and 1862 were classified by the place of last abode of the patient, as

10. *ibid* pp.7-18

recorded in the orders of admission. Where a case had been transferred from another asylum because his settlement lay in Warwickshire then the settlement was taken. Forty cases had to be excluded altogether from the calculations; 11 of them were admitted from Birmingham, charged to the county because they were immigrants not settled in England; 8 cases were unknown and 13 were not settled in Warwickshire. The Aston union was also excluded as it was discovered that it was greatly under-represented in the county asylum, because Aston lunatics were also eligible in most cases for the Borough Asylum. The small numbers resulting from these exclusions make it difficult to be confident about the figures, but some general patterns emerge, which suggest the opposite conclusions to those drawn in the Lancashire case. There it appeared that urban areas were over-represented among asylum admissions, and mixed-economy districts under-represented. In Warwickshire, the city of Coventry, which was the only urban district completely within the catchment area for the County Asylum, seems to have contributed less lunatics to the asylum than its population would predict, while mixed-economy districts of Warwick, Foleshill and Nuneaton, were slightly over-represented. The eight rural unions were under-represented. [Table 5a] Calculating lunatic admissions for each union as a proportion per 10,000 of population revealed even more clearly that the mixed unions contributed more lunatics to the asylum than either Coventry or the rural districts. This pattern is borne out by calculations of the distribution of the asylum population at selected points throughout the period under review. [Table 5b]. A survey carried out by the asylum superintendent of the total lunatic population of the county in 1881, took into account the tendency of the more urbanised districts to make more use of workhouse facilities for lunatics, but even

this showed the three mixed unions to be over-represented. [Table 5c] One explanation may account for the high proportion of lunatics supplied from the Warwick Union in particular. As the district in which the county asylum was situated, it was perhaps likely that the Poor Law authorities would make greater use of asylum facilities than in districts at some distance from the asylum.¹¹ Having an asylum locally situated might have had some spin-off effect in the impact of knowledge about lunacy in the community generally. Even if this can account for the whole of the disproportion in the Warwick Union, there are no such simple explanations for the disproportionate numbers of insane registered from the Foleshill and Nuneaton unions, both comprised of textile communities, with the addition of mining in the Nuneaton district. These two districts supposedly contained the kinds of cohesive communities which Walton claims prevented incarceration of some of the insane in the case of the Lancashire textile districts. It was not possible to come to any firm conclusions about why the Warwickshire mixed economy and textile districts were less efficient at 'looking after their own' than in Lancashire weaving districts. The Warwickshire textile industry did enter a decline during the late 1850's, which reached a trough in the early 1860's from which it never fully recovered. Perhaps the strains of poverty made it impossible for the Warwickshire industrial communities to bear the burden of their insane, at a time when Lancashire workers were not so disadvantaged. The case demonstrates that many factors may have to be considered in an assessment of how readily the poor and middling accepted the asylum as a legitimate means of treatment for their insane.

11. WCLA Report for 1858, p.5 in which Dr. Parsey commented on the tendency of the mixed and urban unions to make use of their workhouses for the care of the insane; WCLA Report for 1866, p.7, 'the experience is very general that the patients from the home union are relatively in excess of those from most other parts of a county'.

Table 5

Regional Origins of Warwickshire Lunatics5(a) Admissions to Asylum 1861-62

	No.	% to 10,000 popn.	(Excluding Aston)	
			% insane	% total popn.
Coventry	21	5	13.5%	17%
Aston	8	0.8		
Warwick	38	9	24.5%	18%
Foleshill	15	7.5	10%	8%
Nuneaton	10	8	6%	5%
8 Rural unions	<u>71</u>	<u>5.5</u>	<u>46%</u>	<u>52%</u>
	163		100	100
Others	32			

5(b) Proportion of Asylum Population Chargeable to the Different Unions 1852-1890 to 10,000 of population

	1852		1862		1872		1881		1890	
	No. cases	% 10,000 of pop.	No.	%	No.	%	No.	%	No.	%
Coventry	40	11	55	13	72	18	87	19	116	22
Warwick	51	12	90	20	140	29	163	31	156	20
Foleshill	17	9	31	15	56	32	56	30	68	34
Nuneaton	21	15.5	35	27	53	43	45	33	44	25
8 Rural unions	115	9	208	16	270	20	293	20	348	23

[Figures for total population (all ages) of districts taken from nearest census.] Source: Returns to Quarter Sessions. W.C.R.O.

5(c) Proportion of all Registered Lunatics and Idiots in Warwickshire both inside and outside Asylum, chargeable to the 12 Unions wholly in the County

	County Asylum	Else-where	Total	%	County % popn.	% to 10,000 of popn.
Coventry	88	13	101	15%	16%	22
Warwick	154	19	173	26%	19%	33
Foleshill	35	21	56	8%	7%	30
Nuneaton	24	22	46	7%	5%	34
8 Rural unions	253	40	<u>293</u>	<u>44%</u>	<u>53%</u>	<u>20</u>
			669	100	100	24 (All Cases)

Source:

W.C.L.A. Superintendent's Report for 1882. Table 14. 'A list of all lunatics and idiots chargeable to the different unions, or parts of unions in the county of Warwick, exclusive of the Borough of Birmingham; with the population of such unions or parts of unions according to the latest census.

N.B. Rural Unions with a third or more of the male population engaged in agriculture: Southam, Shipston, Stratford, Solihull, Meriden, Alcester, Atherstone, Rugby.

Mixed economy unions with less than a third so employed: Nuneaton, 21% ag, 24% textiles; Foleshill, 16% ag, 46% textiles; Warwick, 27% ag, town trades in Warwick and Leamington, small manufacturing.

Coventry, 3% in ag; Aston, 7% in ag; Birmingham, 1% in ag.

The contemporary consensus about the regional origins of the insane, maintained that urban areas contributed less lunatics to the population than rural districts, rather than more. Dr. Parsey of Warwick Asylum observed in 1870 that the higher wages and opportunities available in nearby Birmingham, encouraged migration from the county itself, leaving to the agricultural districts 'all the feeble and inactive minds'.¹² Parsey maintained that this migration led to a high proportion of congenital and incurable cases among the male admissions to his institution, producing a low cure rate compared to that at Birmingham. The situation was similar at the national level, however, and in the 1881 census report the unlikely explanation was offered that 'the varied interests which accompany the industrial life of urban communities maintain the brain in a healthier condition than does the comparatively monotonous existence of an agricultural labourer.'¹³ The writer had momentarily forgotten that monotony and agricultural labour were the central features of life in asylums for the cure of the insane.

III

Inmates of the Warwick Union Workhouse

About one quarter of Warwick County Asylum's admissions in the 1861-1862 sample had come via the workhouse, while the majority of patients were officially paupers. The Warwick Union was the largest contributor to the asylum population, yet the indoor relief lists which have survived for the union workhouse reveal that asylum admissions were not typical of workhouse entrants. An important section of workhouse entrants was always made up of children under the age

12. WCLA Report for 1870 p.7

13. Census, 1881, General Report, p.71
 Great Britain,

of sixteen, who entered the house as orphans or with one and occasionally both parents. For comparison with other inmate populations, which were made up of very few children, and for assessing possible reasons for entry to the house, the social profile of the adult entrants only was studied. Around two-thirds of those during 1866-67 and 1870-71, the dates covered by the relief lists, were men, a trend which was especially marked during the winter months. This was not due, however, to seasonal unemployment of the able-bodied. A closer look at the age-structure of the admissions shows that the majority of the male entrants were aged over forty-five and were non-able-bodied. It can only be presumed that in the winter months when casual work was scarce, these older and less physically healthy men found the workhouse was their only alternative.

Table 6

Inmates entering the Warwick Workhouse in the year April 1866 to March 1867 and from April 1870 to March 1871

1866-67

		Ages:							
		16-25	26-35	36-45	46-55	56-65	66+	16-45	46+
Men	119 cases	14	19	18	22	17	29	43%	57%
Women	68 cases	33	11	8	6	3	7	76%	23%

All admissions 187 = 100%	25%	16%	14%	15%	11%	19%
Warwick Union popn. aged 15+ at 1861 census.	27%	21%	18%	15%	10%	9%

1870-71

		Ages:								
		16-25	26-35	36-45	46-55	56-65	66+	unk.	16-45	46+
Men	152 cases	20	16	24	31	38	23		39%	61%
Women	102 cases	45	13	10	10	10	12	2	67%	33%

All admissions 254=100%	26%	11%	13%	16%	19%	14%	1%
Warwick Union Popn.aged 15+ at 1871 census.	27%	21%	17%	15%	11%	9%	

[1861 and 1871 Census: West Midland Counties. Table 2.]

Among younger adults the sexes were evenly distributed and women predominated in the 16-25 age group, most of these younger women being listed as able-bodied. Out of a total of 68 women entering the House

during 1866-67, 36 cases were listed as able-bodied, compared to only 16 able-bodied men; in 1870-71 the figures for able-bodied entrants were 55 women and 23 men. Most of the able-bodied women were aged thirty or less; of all 49 who appeared in the indoor relief lists for 1866-67, as many as 34 were aged under thirty, while in the second period under review, 54 out of 74 able-bodied women were in this younger group, almost all of them with dependent children.

Comparing the age-structure of workhouse inmates with the age-structure of the inhabitants of the Warwick registration district at the 1861 & 1871 census, it can be shown that women were over-represented in the 16-25 age group only and under-represented in all save for the over 65 cohort. These figures bear out what is already known about the treatment of women under the Poor Law. Single mothers, including deserted mothers and widows were always a major category of applicants for relief, and were less-eligible in many unions for outdoor relief, than married couples made poor by sickness or unemployment.¹⁴ In particular women with illegitimate children were almost always prohibited from receiving outdoor relief and offered the workhouse instead.¹⁵ About half of the able-bodied women on the indoor relief lists of Warwick Workhouse for both 1866-67 and 1870-71, either brought illegitimate children with them into the workhouse or gave birth to them there. During this period it was the policy of the Warwick Guardians to relieve deserted wives outside the workhouse, (possibly older women) despite pressure from the Poor Law Board not to give them outdoor relief, but the Guardians were clearly not so

14. P. Thane, 'Women and the Poor Law in Victorian and Edwardian England' History Workshop Autumn 1978 pp.35-37

15. *ibid* p.41

charitably inclined towards young single women with illegitimate children.¹⁶

It is clear at this point that what is being discussed here is an inmate population whose structure was very much determined by policy decisions and compromises in policy between central and local authorities. In this respect the workhouses differed greatly from the county asylums, whose inmates reflected more the opinions of individual family-members, doctors and relieving officers about what constituted mental illness. Nevertheless certain groups seem to have been found in disproportionately large numbers both among the indoor poor and the incarcerated insane. The aged were particularly prone to indoor relief in the workhouse, around a quarter of the entrants in the 1860's and 1870's to Warwick Union being aged over sixty. The proportion of asylum entrants in this age-group was less than this at around 17% but this was still slightly higher than the 14% aged over sixty in the general population of the county. The unmarried also figured disproportionately in both populations. (Table 7).

Table 7

Marital Status of Paupers in Warwick Workhouse at 1871 census

	<u>All ages:</u>		<u>Aged 15 to 45</u>		<u>Aged over 46</u>	
	<u>M.</u>	<u>F</u>	<u>M</u>	<u>F</u>	<u>M</u>	<u>F</u>
Single	53%	56%	91%	84%	44%	34%
Married	10%	18%	4%	16%	11%	19%
Widowed	<u>37%</u>	<u>26%</u>	<u>4%</u>	—	<u>45%</u>	<u>47%</u>
Total =	119	57	23	25	96	32

16. **WCRO., Warwick Union Guardians' Minutes, 1871-73, (CR51/1594).** The Poor Law Board sent several letters during 1871 urging the Guardians to provide relief only within the House for these cases, but local knowledge might still place practice over policy: In December 1871 the Local Government Board consented to the Guardians' proposal to allow outdoor relief to Mary Ann Clark, a single woman with three children.

The majority of workhouse inmates at the 1871 Census were aged over 46 years old, but of these at least a third of the women and over forty per cent of the men were recorded as unmarried. The indoor relief lists did not provide details of marital status but the census figures are so skewed towards the single, that the pattern must also have been marked among the new entrants to the workhouse.

IV

Inmates of Warwick Prison

There were no primary admission records available for Warwick County Prison committals, but in order to provide some broad bases for comparison of the prison inmates with other inmate groups, statistics were compiled from the Judicial Statistics which annually gave numbers of committals to each prison together with a breakdown as to sex and occupation. The 1861 census of the Warwick gaol was analysed for evidence as to age, marital status and birthplace of the prison inmates. Although a census evaluation of workhouse and asylum population would have included a large residual population of these two institutions, the reasonably high turnover of local prisons, with most prisoners serving short sentences reckoned in months and the rest averaging at a few years, makes this less of a disadvantage of using the census.

Contrasting with asylum and workhouse entrants, prison committals in Warwickshire were overwhelmingly of male offenders. Throughout the period 1856-1890, the judicial statistics showed a fairly constant proportion of only 15% of committals to be of women. This reflected well-known patterns in the country generally of fewer women convicted of offences, the generally accepted explanation emphasising that the

female role of economic and social dependence precluded and discouraged opportunity for the kinds of criminal activity most often prosecuted.¹⁷ In the predominantly rural and mixed-economy districts of Warwickshire a low proportion of women in prison is thus not surprising. By comparison, women represented nearly a quarter of the committals to Birmingham's prison and these were more frequently women with previous convictions than the female offenders of the County Gaol. Two-thirds of the Birmingham female offenders committed in 1891 had previous convictions, compared to only a third at Warwick Gaol, and were thus classed as hardened offenders.¹⁸ The 1861 census of the County Prison showed its population to be an extremely youthful one, committals being clearly concentrated in the most active age-groups peaking around the age of twenty-five.

Table 8

Age and Sex of Inmates of the Warwick County Gaol at the 1861 Census.*

	<u>Under 15</u>	<u>16-25</u>	<u>26-35</u>	<u>36-45</u>	<u>46-55</u>	<u>56+</u>	<u>Total</u>
Men	3	60	38	28	11	4	144
Women	<u>2</u>	<u>9</u>	<u>6</u>	<u>4</u>	<u>0</u>	<u>1</u>	<u>22</u>
	5	69	44	32	11	5	166
	3%	42%	26%	19%	7%	3%	100

*excluding twenty debtors.

The 1881 census showed the excess of offenders in the 16-25 group to have fallen slightly, a change which was discernable in national figures and was attributed by contemporaries to the remedial effect of more reformatory provision for juvenile offenders.¹⁹ After the age of forty-five, both men and women were apparently more prone to enter the workhouse or asylum than they were to become prison inmates.

17. C. Smart, Women, Crime & Criminology (1977) pp.66-69

18. Judicial Statistics for 1891.

19. W. Guy, Results of Census of Convict Prisons (1875) pp.4-5

Persons aged forty-six and over made up a low proportion of prison committals compared to their numbers in the population. Such a young institutional population ought to contain high proportions of single and married people and few widowed persons. This is in fact the case; over half the prison population was unmarried, compared to over a third of the general county population. Controlling for age, however, and assessing only the prison inmates aged between 26 and 45 years, the proportion of single people was still over 40 per cent compared to only 23% of the general population, within that age range. It must be concluded that the unmarried were thus especially prone to incarceration in all three types of institution studied.

Table 9

Marital Status of Warwick County Prison Inmates 1861

<u>County Population over 15</u>		<u>[Aged 26-45]</u>	<u>Prisoners</u>				<u>T [26-45]</u>
			<u>M</u>	<u>F</u>			
Single	36%	23%	84	11	57%	42%	
Married	55%	73%	55	9	39%	51%	
Widowed	9%	3.5%	5	2	4%	7%	
Total							
general Popn. 160624		63125	Total cases = 166			76 case:	

The prison population was comprised of far fewer local people than were found in other institutions. Only half of the 166 prisoners in 1861 were listed as having been born in the county. Of 84 others, twenty hailed from Birmingham and 27 from neighbouring counties. A further 24 came from other English counties and ten from Ireland, Scotland and Wales. Without calculating hard figures, it is nevertheless clear that Warwick county prisoners were disproportionately migrants. Within the county, Coventry, Foleshill and the Warwick Union supplied over half of the prisoners with Warwickshire birthplaces,

Foleshill, the textile district in Coventry's hinterland, having the highest ratio of prisoners compared to its population.

Table 10

Regional Origins of Warwick Prison Inmates at 1861 census

<u>Birthplace</u>	<u>No.</u>	<u>%10 K. popn.</u>	<u>Birthplace</u>	<u>No.</u>
Coventry	20	4.8	Birmingham and Aston	20
Foleshill	14	7.0	Neighbouring counties	27
Warwick	20	4.5	Other counties	24
Nuneaton	3	2.3	Ireland	8
8 Rural			Wales	1
Unions	25	1.9	Scotland	1
	—		Unknown	<u>3</u>
	82			84

V

Thus the prison population displayed some characteristics in common with the insane in the county asylum and the paupers of the Warwick Union. All the inmate groups studied contained large numbers of single persons, and both asylum and prison populations contained people from outside the administrative catchment area, although this was most marked in the case of the prison. The major differences between the three categories of inmate were in age structure, prisoners were predominantly young adults; paupers were generally under-represented in the younger age-groups, with the exception of young women with children; while the asylum admissions tended to be drawn from those in late middle-age more frequently than was predicted by the age-structure of the county population. The asylum admissions were the only ones which reflected fairly closely the numbers of men and women in the county population, prisoners being mostly men, and paupers skewed away from the norm by large numbers of male

admissions in every age-group except the 16-25 cohort. Taking the institutional population as a whole it cannot be said that any one age-group or sex was especially at risk of becoming incarcerated, but the unmarried do seem to have been more likely to have become institution inmates than married persons.

There are two possible explanations; either the support of a partner and the wider kin network available to married persons operated to shield them from becoming deviant, helping them to stay in the community during illness or poverty; or persons individually possessing deviant personalities and thus likely subjects for incarceration, were also those members of the population who were least likely to marry. The first of these hypotheses seems likely, but is difficult to test, since those who were successfully supported through bad times by family and community never appear on the registers of institutions. The second hypothesis is related to the more general question of whether the Victorian institution system operated to remove from society persons subsisting on its margins. What was the balance between concern for the treatment of the insane, the relief of poverty and the reform of the offender, and the appeal of the new institutions as both a symbolic and real means for social control? As the latter half of the century progressed contemporary observers increasingly began to link the pauper, the criminal and the lunatic in descriptions of deviancy, the implication being that these different categories were merely circumstantial manifestations of general moral defect. Writings by the psychiatrist Henry Maudsley and the prison surgeon J. B. Thomson in the 1870's furthered the acceptance of ideas of inherited deviance, and Bucknill & Tuke's 'Manual of

Psychological Medicine' suggested that those with a predisposition to insanity should be discouraged from having children to avoid the spread of 'all manner of vice and crime'.²⁰ The writer of the 1881 census report was confident of this assumption when he wrote in his general report:

From the bodily and mental infirmities which fill the asylums for the blind, the deaf and dumb, the imbecile and the lunatic, and the hospitals for the sick; and that also supply the workhouses with a large proportion of their inmates, it is no difficult transition to the moral infirmities which provide the inmates of prisons.²¹

Witnesses to the Home Office Commission on Criminal Lunacy which sat during 1881 were in unanimous agreement that pauper lunatics in asylums were drawn

from the lowest and worst classes of the community, that is, from the same classes which yield largely the inmates of prisons, thieves, prostitutes, drunkards, the idle and dissipated.....²²

How far then do these descriptions accurately apply to the people admitted to Warwickshire's County Asylum, prison and the largest workhouse in the county in the periods for which records are available?

VI

Some answers to this question may be found by assessing the occupational background of entrants to the three institutions. The most accurate data available for asylum entrants was that gathered from the casebooks and admission forms for 1861 and 1862, although it was also possible to calculate numbers admitted with different occupations from tables in the annual reports which covered the whole period under review from 1852 to 1890. The admissions of 1861 and 1862 were added

^{D.H.}
20 J.C. Bucknill & Tuke, A Manual of Psychological Medicine, (1879 Edition) p.647; For a summary of the development of such 'born criminal' theories see L. McDonald, Sociology of Law & Order (1976) p.81 et seq; H. Maudsley, Body & Mind (1870); J. B. Thomson, The Hereditary Nature of Crime (1870)

21. Census, 1881, General Report, p.72

22. Home Office Departmental Commission on Criminal Lunacy, Report ^{Great Britain.} PP. 1882 vol 32 (841) p.11

together and compared for occupational background with the occupational structure of the dozen registration districts which formed the bulk of the asylum's catchment area. The district of Aston was excluded from the assessment because, as was indicated earlier, the greater proportion of Aston lunatics went into the Birmingham asylum.²³

The Aston Union did send some lunatics to the County Asylum, nearly 5% of all admissions in 1861 and 1862, but these were chargeable to the less-urbanised parishes of the district, whose occupational structure would have been similar to that of the county as a whole. To compare these with the total population of the Aston district, comprised of mainly urban occupations, would have distorted the findings.

The 1861 census returns for occupation and the occupational background of male and female lunatics were classified into five occupational groups, plus a sixth group for wives, widows and others with no stated occupation.²⁴

Table 11 shows that although skilled workers were the largest group among the lunatic admissions for 1861-62, this proportion was in line with the occupational structure of the general county population.

The lunatic admissions figures are skewed, however, by the large number of cases who were recorded as of no occupation, nearly a fifth of the total number of admissions. To control for these, Table 12 shows the results of recording husbands' or fathers' occupation in cases where no employment was returned for the patients themselves. By this analysis, over half of the asylum admissions were from the unskilled category, compared to only 36.8% of the general population.

23. For example: Birmingham Borough Asylum Report for 1858— Out of 308 patients in the asylum, 46 were from Aston and 262 from the parish of Birmingham. The Warwick Asylum Report for 1858 showed only 6 patients from Aston in the County Asylum.

24. For details of how the classification was made see note on sources, p 216.

Table 11

Occupations of Lunatics admitted 1861-62, compared to the County
Occupational Structure, at the 1861 Census

<u>Men</u>	<u>Admissions</u>		<u>1861 Census</u>
	<u>No.</u>	<u>%</u>	
Landowners) Farmers) Professionals)	4	5%	11.9% [3.7% covers Civil Service Post Office, Teachers and professionals.]
Retailers & Commercial	3	3%	9.7%
Skilled (Building trades)	16 (6)	13% (7%)	15.3% (6.7%)
Semi-skilled (Weavers)	11 (2)	13% (2%)	21.4% (8.9%)
(other textile & dress)	(1)		(6.3%)
(mining)	(3)	(3%)	(2.3%)
Unskilled (labourers)	35 (30)	40% (34%)	40.2% (26.7%)
(servants)	(1)		
No occupation	<u>18</u>	<u>21%</u>	<u>1.6%</u>
Total cases:	87	100	65304
<hr/>			
<u>Women</u>	<u>No.</u>	<u>%</u>	<u>1861 Census</u>
Landowning) Farming) Professional)	3	3%	[1.6% covers Civil Service, 8.8% Post Office, Teachers and professionals.]
Retail & Commercial	1	1%	3.2%
Skilled	-	-	
Semi-skilled (Weavers)	22 (13)	20% (12%)	19.8% (15.8%)
(other textile & dress)	(6)	(5%)	(7.2%)
Unskilled (servants)	36 (22)	33% (20%)	21.2% (10.5%)
(laundry & cleaning)	(7)	(6%)	(4.8%)
Wives & Widows	27	25%	40.9%
No occupation	<u>19</u>	<u>18%</u>	<u>5.8%</u>
Total cases:	108	100	72458

Source: 1861 Census, Div. VI West Midland Counties, Tables 17 & 18,
Occupations of males and females aged 20 years and upwards -
in districts.

Table 12

All Lunatic Admissions 1861-62, classed by own occupation or husband's/father's if no occupation stated. Compared to total male and female breakdown for County.

Admissions 1861-62

	<u>No.</u>	<u>%</u>	<u>1861 Census</u> (Men and employed women)
Landowners)	2	1%	9.9%
Farmers)			
Professions & Civil Servants.	7	4%	3.5%
Retailers & Commercial	6	4%	9.7%
Skilled	18	11%	10.0%
Semi-skilled	40	24%	29.9%
(weavers)	(17)	(10%)	(16.6%)
(other textile/dress)	(10)	(6%)	(7.0%)
(mining)	(3)	(1.8%)	(1.5%)
Unskilled	90	55%	36.8%
(servants)	(24)	(15%)	(8.8%)
(labourers)	(47)	(29%)	(19.4%)
Total cases:	163	100	103271 = 100
Others:	<u>32(16%)</u>		<u>34491</u> (25%)
	195		137762

Table 13

Occupations of Male and Female Admissions to W.C.L.A. 1852-81 exclusive of relapses. Source: Superintendents' Annual Reports 1871 & 1881

	<u>1852-71</u>	<u>1852-81</u>	<u>1861 Census</u>
Farmers	1%	1%	5.6% (not landowners etc.)
Professions	2%	2%	2.7%
Retail and commercial	4%	5%	7.3%
Skilled	10%	10%	7.5%
(building trades)	(4%)	(4%)	(3.7%)
Semi-skilled	18%	18%	22.5%
(weavers)	(8%)	(7%)	(12.5%)
(other textile/dress)	(4%)	(5%)	(5.3%)
(mining)	(0.8%)	(0.9%)	(1.1%)
Unskilled	43%	42%	27.6%
(servants)	(14%)	(14%)	(6.6%)
(labourers)	(19%)	(18%)	(15.7%)
(cleaners)	(3%)	(3%)	(2.5%)
Housewives	<u>22%</u>	<u>21%</u>	<u>21.5%</u>
Total cases	1552	(2580)	137762
(Numbers of unoccupied in the asylum tables were inaccurate so have been excluded.)			5.3% no occupation.

Labourers were over-represented among male admissions and servants among female lunatics, while housewives with no occupation recorded for themselves were not strongly represented. Semi-skilled workers, which in Warwickshire means essentially those engaged in textile, dress and mining, seem to have figured less among the asylum admissions than their proportions in the general population would predict. Statistics compiled from the superintendent's annual reports are less reliable, but, as Table 13 shows, they tend to bear out the conclusions drawn from the 1861-62 sample.

These findings for Warwickshire in the early years of the 1860's lend support to the conclusions drawn by Walton in his study of Lancashire lunacy in the 1850's; that only the lowest ranking occupations were strongly over-represented and that textile workers tended to be under-represented among the insane. The districts of Warwickshire which earlier were shown to have contributed the most asylum entrants in proportion to the size of their populations were, however, the textile and mining districts of Foleshill and Nuneaton. If it was not the poverty-stricken weavers or the mining communities, which provided so many inmates for the asylum, then why did these districts produce so much lunacy? If Walton's conclusions about textile communities in Lancashire are right, then there should be few socially isolated people among the weaving and mining communities of Foleshill and Nuneaton. Other occupational groups, however, such as casually employed and migrant unskilled workers were more in evidence in these mixed-economy districts than in the purely rural areas, and it may well have been their poverty and social isolation which determined the high contribution of these two districts to the asylum population.²⁵

25. J. Walton, (1979) op cit p.15

In a different occupational setting, there are some indications in the occupational structure of the asylum admissions, that teachers and officials of various kinds may have been slightly over-represented in the asylum admissions, again indicating that factors other than poverty have to be sought to explain the pattern of the consignment of people to asylums. If lunatics really were drawn from 'the lowest and worst classes of the community' then we should expect a much greater over-representation of the casual and unskilled and fewer of the skilled and lower professional classes. Although Warwick Asylum did take in a number of 'private' patients over the years, whose relatives paid for the whole or part of their maintenance, during 1861 and 1862 only one case of this kind was admitted. There are numerous instances though of moderately well-off families refusing to contribute anything towards the keep of a lunatic member or being forced to accept pauper status for the patient because they could not afford the costs of a long-term confinement. Dr. Parsey, the Warwick Asylum superintendent frequently bemoaned the need for a subscription asylum for lunatics just above the pauper class, and it is clear that the 'respectable' working classes and lower income middle classes provided their fair share of asylum patients.²⁷

The case notes allow a different kind of investigation into how far the asylum operated to remove from society persons who were beyond the bounds of acceptability. Beyond a merely socio-economic classification, they allow an assessment of whether those who lived by crime, prostitution or vagrancy or were part of the casual labour market were more likely to be institutionalised than people following more stable lifestyles. It is also possible to make a closer

27. WCLA Report for 1865, p.9

examination of that large proportion of admissions returned as of 'no occupation'. It has already been noted that the majority of the admissions in 1861-62 were admitted from their homes, and not from workhouses, prisons or elsewhere. Of 195 patients, 108 were admitted from home, 49 from workhouses, two from almshouses, one from hospital and 18 from other asylums, while eight were part of the criminal lunatic group and nine had been found wandering and taken up by the police or Relieving Officer. If all those not admitted from home are counted as members of the 'marginal' sectors of society, then 87 cases, well under half of all admissions could be so categorised.

The records show that the superintendent of the Warwick Asylum, Dr. Parsey, attributed the insanity of many of his patients not to individual failings, but to the grim circumstances of their everyday lives. Some of the cases admitted from home demonstrate how the struggle for subsistence took its toll in terms of mental instability, but the cases admitted from workhouses reveal the most detail in this respect. A ribbon-weaver admitted from Coventry in 1861 had been having 'attacks' of mental instability on and off for the last three years since the death of her husband. The casebook records her circumstances:

For the last 15 months the trade at Coventry has been bad and she and her children have been reduced to great destitution and want and at last she formed the idea that it was all through with her and that she is a lost woman and cannot be forgiven, that she has committed a great sin and must go to hell ... 'that she has seen better days and has been able to save money but that now she has become reduced to poverty and want' ... when she speaks of her children and her aged father she suddenly bursts into a flood of tears . 28

28. Case 674, [Lunatic Admissions]

This was during the years of depression in the Coventry ribbon trade when many of the weavers suffered from severe poverty and near-starvation.²⁹ The asylum records reveal a trickle of weavers admitted during these years, but it cannot be assumed these were not individually 'marginal people' nor can it be discerned whether their insanity was the result of their impoverishment and malnutrition or merely coincidental with it.³⁰ Of the sixteen patients admitted in 1861 and 1862 who were listed as ribbon-weavers or silk-winders from Coventry and the outlying textile communities, half had been in the county asylum or other asylums in earlier years. In many cases where the superintendent recorded want of work as a cause of insanity it was a contributory factor in addition to some existing predisposition. A weaver committed from Coventry for example was recorded to have been 'a great drunkard and lately much depressed by want of work and living in the workhouse'. A woman from the Hillfields district of Coventry was supposed to have become insane through lowness of spirits, the result of reduced circumstances through want of work. She had been in the workhouse for about a week, where they had trouble getting her to take food. Another ribbon-weaver admitted on the same day in July 1862 and said to be displaying religious enthusiasm as a member of the Plymouth Brethren, was also reported to have had very little and irregular work and to be refusing solid food. The latter was discharged about six months later, while the former woman died after spending six years in the institution, despite the fact that the latter case had a previous history of an attack of insanity and the former did not.³¹

29. N. Tiratsoo, 'Coventry's Ribbon Trade in the Mid-Victorian Period' (PhD. Thesis London, 1980) Chapter 8, p 305.

30. M. Shepherd, 'Lunacy and Labour' Bulletin of the Society for the Study of Labour History. 34 1977

31. Case Nos. ~~152~~ , ~~147~~ and ~~148~~ [Lunatic Admissions]
 52 1047 1048

So far there are two conflicting images emerging from the case-histories. The first suggests that the majority of cases were people with 'respectable' employments admitted from home and not wandering lunatics brought in by the police or transferred from workhouses. The second suggests that many of these people were, however, occupying a perilous position in the lower reaches of the poorer classes. If not actually unemployed, they lived in fear of unemployment, poverty and the workhouse, and encountered daily the kinds of personal tragedy which were adjudged by asylum superintendents to be 'aggravating causes' of mental breakdown. Where a 'predisposing' factor existed, such as alcoholism, epilepsy or previous insanity of the patient or a relative it becomes hard to sort out the difference between the poor and the more threateningly deviant. Looking more closely at those admitted for whom no occupation was recorded, it appears that twenty, or nearly two-thirds of the unoccupied, were described as having been epileptic or idiotic from birth and had never been able to work. A handful of these were indeed only children. The remaining third were not congenitally handicapped, but some were in too advanced a state of dementia for an occupation to be discovered. Only eight of the twenty cases of epileptics and mentally handicapped with no occupation were admitted from the workhouse. The rest had been supported and cared for within their families, the reasons for their consignment to the asylum generally being some deterioration in their condition, making them less easy to manage, or a decline in family circumstances. Case 167, for example, a carpenter's son was an 'idiot' from birth and had recently become violent. Another case had been taken into the workhouse recently because a relative had died, while in the case of a young girl described as epileptic, it was commented: 'her parents

have been in better circumstances and have taken care of her, but lately have become much reduced'.³² The evidence would suggest that the asylum was a last rather than a first resort in such cases. Poverty seems to have acted to hasten consignment to the asylum of individuals whose behaviour already presented some problems for their family and community.

What of more concrete indications of 'deviancy', such as those patients who had previously been labelled as criminal by the courts or whose unsettled lifestyle was noted in the casebooks?

Taking the admissions in 1861-62, apart from eight 'criminal lunatic' cases admitted from the prison, only one man was admitted who was known as a thief. His criminal history was hardly that of a hardened offender, however; his master had had him arrested for stealing wood, but later discharged him without a prosecution. Two women were identified by the casebooks as prostitutes, both from Coventry and in their late twenties. One had apparently been known as the 'Queen of the Bell' and on her admission from Coventry workhouse was suffering from the advanced stages of general paralysis from which she finally died. The other example was a more equivocal one. The patient had only recently left the asylum in May 1860 after a stay of around one year, to return to her father's home 'under the impression that some money she had left with him to take care of would be handed over to her'. Instead of this it had been spent and a quarrel ensued, 'which is said to be the means of her again following a life of prostitution'. She was readmitted in March 1861 but discharged after only a few months.³³ The only other criminal connection was that of a woman who had been in court while her husband was committed to four months hard labour

32. Case Notes 62 and 128 [Lunatic Admissions]

33. Case Notes 069, 154, 022 [Lunatic Admissions]

for theft. She was brought to the asylum after having been removed from the court screaming. It was recorded on her admission form that she believed her husband had been turned into a fish, but at the asylum no symptoms of insanity could be discovered and she was discharged only eight days later.³⁴ Besides these cases we should count nine who were brought to the asylum having been taken up by the police as 'wandering lunatics', people in so dazed a condition that very little concerning their origins and family could be discovered. Although one other case had been an Irish gang-worker and another an itinerant bookseller, all in all there were few among the 187 ordinary admissions who could be confirmed as having a 'deviant' past.

In fact, it is only among the category of 'criminal lunatics' that a substantial number of members of those 'marginal' reaches of society to which asylum confinement might have been directed, can be found. Even here among the eight criminal lunatics admitted from prison in 1861-62, only three; an 'idiot' convicted from the Foleshill workhouse for throwing boiling water at another inmate; a man found wandering who had been in several other asylums; and a destitute vagrant who had set fire to a shed, showed certifiable symptoms prior to imprisonment when they were at large in the community.³⁵ The rest seem to have become deranged while in prison. The clearest examples of 'deviant' life histories can only be found with certainty among the larger sample of 162 persons admitted from the local prison or returned to the county asylum from Broadmoor, over the whole period 1852 to 1890, which forms the basis of the discussion in Chapter 7. A few examples will demonstrate that many of these cases did fit the description made by the Home Office Commissioners in 1881 of 'thieves,

34. Case 023 [Lunatic Admissions]

35. Case Nos. 027, 021, 023 [Criminal Lunatics (hereafter C.L.)]

prostitutes, drunkards, the idle and dissipated', and also indicate that the asylum superintendent would note down what he considered signs of deviance where they existed.

To have served in the Forces or to have worked in an itinerant occupation such as a travelling showman, were both considered to be indicative of an unsettled lifestyle by the compiler of the casebooks. A man arrested for larceny with previous convictions had 'led a wandering life' from early childhood, 'going about the country as a tumbler'. A twenty-seven year old man returned to the asylum from Broadmoor in 1872, had spent some years as a groom in Pablo's circus; also for the last 15 years had been in and out of gaol, at first for short sentences but in 1865 for 'taking some interest in some fowls' was convicted for 7 years penal servitude. Another case, a German whose 'life before being committed to prison was rather unsettled', had served in the Prussian Army in the Franco-Prussian war, been discharged after an attack of insanity and spent some time in an asylum. He had then gone to America for four years and shortly after returning to England was convicted of burglary.³⁶ Another Prussian committed in 1877 was an ex-serviceman of the Second Rifles, discharged in 1855 at the end of the Crimean War. He told the superintendent that he was a baker by trade but had not followed his calling lately and had gone about the country playing a concertina and often got drunk. He had been in asylums before and in gaol many times. His second wife who walked to the asylum from Holywell in Flintshire reported that he had wandered about the country for the greater part of his married life, the past 14 years, but had always sent her money during his absence. Despite all these notes supposedly made to prove his instability, this man was nevertheless discharged recovered in 1878.³⁷

36. Case Nos. 004, 1007, 075 [C.L.].

37. Case 094. [C.L.]

Alcoholism, in the cases admitted from home or the workhouse, as well as from prison, was always noted, as it was considered a cause of insanity. Sometimes it accompanied a criminal and vagrant past. A navy convicted of drunkenness in July 1877 and committed to the asylum ten days later said that he had been in the marines for over twelve years until discharged an invalid on account of his suffering from fits. Since then he had worked on the railways as a navy, 'going about the country from place to place and often getting drunk'. Although he insisted on his admission that he had been brought to the asylum to be murdered, he had recovered by the end of August and was discharged. A female hawker aged 46 was described as a woman of drunken habits and had been in gaol six times during the past 18 months for being riotous and committing breaches of the peace, when she was transferred to the asylum as a criminal lunatic in 1875.³⁸ However, alcohol addiction was perhaps the only 'socially deviant' denominator that was found with some frequency among the ordinary admissions, as well as the criminal ones. In 1861-2 ten cases or 5% were described as having been heavy drinkers, in the case notes, and the proportion of cases supposed to have been caused by alcohol addiction as given in the superintendents' annual tabulations of the causes of insanity, varied from five to ten per cent. This seems low in relation to the importance given by Victorian psychiatrists to alcohol as a cause of insanity. It may reflect the rural bias of the Warwick asylum's catchment area. In the Birmingham Borough Asylum reports, the proportion of admissions reckoned as caused by intemperance was consistently higher, at around fifteen to twenty per cent, but it is questionable how far these figures really record the actual incidence of alcoholism among admissions, or merely the diagnostic biases of superintendents.

38. Case Nos. 093, 080 [C.L.].

Women figured far less among this whole group of 'marginal' deviants than did men, although there were a few examples of female tramps and women with numerous previous convictions.³⁹ It was often stated if a woman's children were legitimate or not, or if the woman was married or had been deserted. A washerwoman, for example, admitted from the Foleshill workhouse in 1861-62 was described as an adultress, having lived with seven different soldiers before being deserted by the last one.⁴⁰ It seems reasonable to assume that where moral judgements could be made by the superintendent they would have been noted in the casebook, and such comments were certainly the exception rather than the rule among the female cases both in the ordinary admissions and the criminal ones.

In the two-year sample of lunatics admitted to the county asylum in 1861-62, only a handful of cases were found which could be described as 'wandering lunatics', a group increasingly singled out by learned observers as posing a threat while they remained at large.⁴¹ These were mentally ill or handicapped people who had become homeless or vagrant, subsisting from begging, charity, casual poor relief and petty crime. Eight cases in 1861-62 had been taken up by police or Relieving Officers as wandering insane, but clear examples of the potentially dangerous vagrant-criminal who became the focus of so much debate in the last quarter of the century, were found only among the criminal lunatic group drawn from the whole 1852-1890 period. One such was case No. 069, admitted in 1873, who had stuffed newspapers under his coat to simulate a hunchback as an aid to begging. He

39. Case Nos. 019, 028, 018. [C.L.]

40. Case No. 011 [Lunatic Admission]

41. W. Guy: 'On the Plea of Insanity in Criminal Cases.'
Statistical Society. June 1869. p.187

stated that he had served for 12 years in the navy as a cook and had been confined before, in the Rainhill Asylum in Lancashire and also the Thorpe Asylum. When arrested he was dressed in the uniform of the Erpingham workhouse in Norfolk. He suffered from fits and in November 1874 died from 'chronic disorganisation of the brain and convulsions for six days'.

The case histories show that the asylum did at times operate to confine people who otherwise might have continued to follow a life on the fringes of society. Yet the numbers of such cases are very small compared to the majority of admissions who had lived relatively normal, if sometimes poverty-stricken, lives until some change in their behaviour led them to be diagnosed as insane. Only a few cases among the ordinary admissions could be identified from the casebooks as having led an 'unsettled' or 'deviant' life before certification. More clear examples were found among the criminal patients but these were after all a very small group among asylum admissions as a whole; averaging at around four criminal lunatic admissions per year. Even among the criminal admissions many were only 'criminal' as a direct result of their mental disorder. A forty-two year old baker, for example, had been perceived as 'strange' by his family for over a year before he 'stole' a cartload of wood by going to the wrong timberyard and carting away a cartload which had not been paid for. A blow on the head at the age of twenty-one was noted as the reason why a wheelwright, a sober and industrious workman from a respectable family, began to suffer from fits and eventually became a violent and dangerous drunkard.⁴² So even among the criminal cases it cannot be assumed that every one will be a clearcut example of the sort of

42. Case Nos. 015, 103. [C.L.]

'irregular character' that was such an anathema to Victorian sensibilities.

In addition, evidence from the ordinary admissions that the asylum was always the last, rather than first resort, for the mentally handicapped group among the 'insane', so that only the utterly destitute found their way into the asylum, indicates that the asylum's role in removing abnormal individuals from society should not be overplayed. Neither was removal to an asylum inevitably permanent. Persons described as imbecile and simpleminded or with a proven 'deviant' past, were given their discharge if some improvement in their condition took place or they were considered harmless and had friends to go to outside. That such cases, like the Prussian concertina player mentioned earlier, continued to be given their discharge during the last quarter of the century, when the emphasis of asylum care was turning towards custodialism rather than cure, further supports the argument that the asylum was not operating to remove such people from society.⁴³

VII

Perhaps workhouses and prisons drew their inmates from 'the lowest and worst classes of the community', more frequently than did asylums. The occupational background of the new entrants over the age of 16 to the Warwick workhouse during 1866-67 and 1870-71 was recorded in the indoor relief lists and has been classified here on the same basis as the census and asylum data. [Table 14] . Once again it is clear that the only groups to be dramatically over-represented are the unskilled; labourers among the men; servants, laundry or cleaning workers among the women. Skilled and semi-skilled male occupations

⁴³J. Walton, (1979) op cit p.11

were present in the workhouse sample in about the same proportions as in the general population of the Warwick Union, but the skilled and semi-skilled were under-represented among the female paupers. Housewives and women with 'no calling' were admitted roughly in similar proportions to their numbers in the population. There was, however, among the workhouse entrants an almost complete absence of persons engaged in retail trades and in the 'professions' such as teachers, surveyors and so on. Although these groups were also under-represented in the asylum admissions they were nevertheless present to some extent. The Warwick Poor Law district, including the towns of Leamington and Warwick, would have contained a higher proportion of retail and professional followings in its occupational structure than the more rural or industrial districts in the county, so the absence of these groups from the workhouse admissions is notable. The small size of the samples and the possibilities of mis-recording of occupations by institution officials mean that conclusions drawn from this kind of data must remain tentative. Nevertheless it would appear that the workhouse entrant was far more likely to be drawn from the unskilled and the casual labour market than was the average asylum entrant. The picture is complicated by the high proportion of asylum admissions with no recorded occupation, but even when controlling for these it is clear that asylum admissions were less skewed towards the very poor occupational groups.

An analysis of the occupational background of prisoners committed to Warwick gaol as tabulated in the judicial statistics for the decade 1861-1870 (there are no records surviving for the prisoners themselves), shows a predominance of the unskilled and particularly labourers even more clearly than in the data on workhouse entrants. [Table 15].

Table 14

Occupations of new entrants to the Warwick Union workhouse, compared with the occupational structure of males and females over the age of 20 in the general population of the Union at the 1861 Census. (And Asylum admissions)

<u>Men</u>	<u>WORKHOUSE</u>		<u>1861 Census</u>	<u>ASYLUM</u>	<u>(Unoccupied</u>
	<u>1866-67</u>	<u>1870-71</u>		<u>1861-62</u>	<u>excluded)</u>
Landowners + farmers	0	0	6%	5%	6%
Professions/ Teachers	0	1%	7%		
Retail & Commercial	2%	2%	13%	3%	4%
Skilled (Building trades)	20% (9%)	17% (10%)	17% (9%)	18% (7%)	23%
Semi-skilled	11%	12%	12%	13%	16%
Unskilled (Labourers)	57% (45%)	63% (55%)	42% (26%)	40% (34%)	51%
Unknown/no calling	9%	4%	3%	21%	(n= 18)
	121	153	11285 (100%)	87 = 100% 69 = 100%	
<u>Women</u>	<u>1866-67</u>	<u>1870-71</u>	<u>1861 Census</u>	<u>1861-62</u>	<u>(Unoccupied</u>
					<u>Excluded)</u>
Landowners + farmers	0	0	9%	3%	3%
Professions/ Teachers	0	0	2%		
Retail & Commercial	0	0	4%	1%	1%
Skilled & semi-skilled	3%	2%	9%	20%*	25%
Unskilled (servants)	48% (35%)	43% (26%)	27% (19%)	33% (20%)	40%
(laundry etc.)	(12%)	(11%)	(7%)	(6%)	
No calling/ unknown	48%	55%	49%	43%	30% wives etc.
	69	108	14606 = 100%	108 = 100%	89 = 100%

*This discrepancy is somewhat accounted for by the general dearth of semi-skilled occupations for women in the Warwick and Leamington district, as compared to the county as a whole which included the weaving districts. The asylum admissions column thus should only be taken as a guideline for comparative purposes, as the Warwick Union had its own particular occupation structure.

Table 15

Occupational background of prisoners committed to Warwick Gaol 1861-70.
Compiled from Annual Reports of Judicial Statistics.

<u>Men</u>	<u>1861-1870</u>	<u>1861 Census (Warwickshire)</u>
	%	%
Professional	1	4
Shopkeepers & dealers	3	10
Shopmen and clerks	1	
Foremen	0.2	
Mechanics and skilled	31	15 (skilled) 21 (semi-skilled)
Factory Workers	2	
Labourers	58	(27) (labourers)
Domestic Servants	1	
Soldiers/sailors	1	40 (total unskilled)
No occupation	2	2
Unknown	0.4	
	$N = \frac{9143}{0.4}$	
<u>Women</u>	<u>1861-70</u>	<u>1861 Census</u>
	%	%
Professional	0.1	2
Shopkeepers & dealers	5.0	3
Shopmen/clerks	0.4	
Mechanics & skilled	10.5	20 (semi-skilled)
Factory workers	7	
Chars & needlewomen	28.5	5
Domestic servants	20	10.5
Prostitutes	2	
No occupation	25.5	41 (wives & widows)
Unknown	1	6 (no occupation)
	$N = \frac{1716}{1}$	

The judicial statistics utilised only eleven categories of occupation, some, for instance 'mechanics and skilled' were not amenable to close comparison with the census data and therefore the percentages in each category can be taken only as a guideline to the occupational background of prisoners. Generally speaking it is clear and indeed no surprise, that the categories entitled 'professional' and 'shopkeepers and dealers' were under-represented among the male committals. Among women the cleaning, sweated trades and servants were clearly over-represented.

VIII

On the basis of an occupational assessment then it cannot be shown that asylum admissions were drawn from the same social groups as the inmates of workhouses and prisons. While a substantial section of them were indeed drawn from the low-paid, the presence of the skilled, shopkeeping and lower professional groups is far greater in the asylum than among the entrants to either workhouse or prison. Lunacy, unlike pauperism and criminality, apparently afflicted people right across the social scale, only the wealthiest of whom could afford to pay for care outside the pauper asylum, while the middle-aged and unmarried seem to have been more prone to enter the asylum than other groups. These are the socio-economic characteristics of Warwickshire insanity. They indicate that the local asylum was not acting solely as a place for the siphoning-off of disorderly paupers from the workhouses and from society at large. Does this indicate that pauper lunacy in Victorian society was related less to social class than to randomly distributed clinical conditions of mental illness? Little investigation has been made by historians of the clinical characteristics of Victorian lunacy, essentially because the available sources

reflect the diagnostic opinions of individual doctors and are often difficult to equate with modern diagnostic categories.⁴⁴ Victorian asylum doctors tended to confuse the cause of the mental symptoms with the form of the disease; one can never be sure, for example, whether a reference to 'alcoholic insanity' means the case was a clear one of alcoholism and delirium tremens, or whether this was merely the doctor's ascribed cause for similar symptoms. Working from case-histories does allow a little more precision than the use of annual reports or admission forms, as a diagnosis would often be arrived at or amended during the course of a patient's stay in the institution, or perhaps not until after death and the results of a post mortem.

The cases of admissions in 1861 and 1862 were examined for evidence of the clinical form of lunacy diagnosed. The results can only form a very general indication of the spread of symptoms, so quantification was confined to the more observable conditions such as mental deficiency and epilepsy. Of the 195 cases under review, twelve were noted as idiots, or around 6%. From the descriptions given in the cases this term generally indicated serious mental handicap such as Down's syndrome, although one case sent in from a workhouse as an idiot was found to be simply deaf, for she could answer questions when written on a slate. Persons whose chief mental symptom was epilepsy, most of whom were stated to have suffered from fits since infancy, accounted for another 14% of the admissions, or 28 cases. An indication of how mixed symptoms could be is given by the fact that one of these was also described as idiotic and had tuberculosis on admission, while another was described as 'hydrocephalic'.⁴⁵

44. The clinical attributes of asylum populations have been described to some extent by R. Hunter & I. McAlpine, Psychiatry for the Poor (1974) with regard to Colney Hatch Asylum; and also by M. Finnane, Insanity & the Insane in post famine Ireland (1981) op cit; For a more detailed clinical treatment see also F. S. Klaf & J. G. Hamilton, 'Schizophrenia - a Hundred Years Ago and Today' Jour. Mental Science vol. 107 Sept. 1961

45. Cases No. 92 and 162 [Lunatic Admissions]

In his report for 1860 the Warwick Asylum superintendent remarked that epileptics accounted for one in every seven cases admitted, which indicates that a figure of 14% is about right and this is confirmed by figures given in the annual reports.⁴⁶ Epileptic sufferers were particularly prone to incarceration during the nineteenth century. The frightening appearance of a fit and the eventual debilitating effect of severe epilepsy meant the label of insanity was difficult to avoid. Dr. Parsey of Warwick Asylum was aware of the problems:

By many it is supposed that the mere existence of epilepsy, a bodily disease, is a sufficient legal justification for their detention - an opinion utterly incorrect. There is, in many cases of epilepsy of protracted or severe character, a tendency to persistent morbid changes, producing mental decay... and it is only when these psychical disturbances are of a nature demanding special care, that such cases are received into asylums. Once there it is very rare for them to return to society; because all forms of mental disturbance, resulting from or complicated with epilepsy, are among those representing the smallest probability of recovery⁴⁷

Thus the residual population of asylums tended to contain a high proportion of epileptics. At Birmingham in 1868 one quarter of the inmates were epileptics, and the annual report of the Warwick Asylum for 1883 shows around a fifth of the inmates described as epileptic.⁴⁸ Epilepsy was frequently also a cause of poverty and entry to the workhouse. In the 1890's the National Society for the employment of Epileptics estimated from Local Government Board returns that in London one in every five sane epileptic adults was living as an indoor pauper and that the inadequate provisions for them both in workhouses and their own homes meant that many of them would eventually drift into insanity and the asylum.⁴⁹ Often as a direct result of an

46. **WCLA.** Report for 1860 p.2

47. **WCLA.** Report for 1859 p.8

48. Birmingham Borough Lunatic Asylum Report, 1868 p.26.
WCLA. Report for 1883 Table 11.

49. Reformatory and Refuge Union, (1904) op cit. pp75-76

action committed during a fit, epileptics were also found in the prisons more frequently than people without the condition, and this was sometimes their route to the asylum.⁵⁰

Another clinical condition which was recognised by Victorian psychiatrists was general paralysis of the insane, although its link with an earlier infection of syphilis was not discovered until the turn of the century.⁵¹ Nine of the admissions to the Warwick Asylum in 1861-62, or around five per cent were diagnosed as general paralytics. Alcohol addiction, as has already been shown, was recorded in the same number of cases.

Gerald Grob has suggested that an important group clinically amongst asylum admissions was the senile aged.⁵² This assessment was based on figures from American hospitals in the first half of the twentieth century, and is not supported by work concerning English Asylums in the later nineteenth century. 'Senile decay' was only recorded in five of the cases admitted to the Warwick Asylum during 1861-62 while another seven cases were aged over seventy. John Walton's study of Lancashire asylums in the 1850's also suggested that the asylum was not being especially used to cope with the problem of old age. The figures given earlier for the Warwick workhouse demonstrate that any unwillingness or inability of families to care for their elderly was being met by the workhouses far more than the asylums. Of course, the residual population of the asylum was likely to contain large numbers of elderly inmates but all the indications are that they

50. J. Gunn. 'Social Factors & Epileptics in Prison' B. J. Psychiat. no.124, 1974 pp.509-517; discussed further in Chapter Seven of this thesis, pp 231-235.

51. V. Skultans, English Madness (1979) op cit. p.137
Hunter & McAlpine, (1973) op cit. pp. 207-210

52. G. Grob, 'Rediscovering Asylums' (1977) op cit. p.37.
A. Scull, (1979) op cit. p.613

were people who had grown old in the asylum, and had not been sent there because the world outside could not cope with old age.⁵³

The case-histories did indicate, however, that any bodily condition whose symptoms were mental rather than physical, might be diagnosed as insanity rather than a hospital or workhouse-infirmiry case. A farmer's son was admitted with tuberculosis in 1862, and was later discharged with the comment that his 'mental condition being doubtless caused from his bodily weakness he is discharged to be with his relatives'. Evidently the problem was that the ordinary general practitioners who made the diagnoses of insanity based their judgement on symptoms rather than any assessment of the form of disease. Thus a labourer's wife, also admitted in 1862, had become 'insane' from a succession of heart attacks. The general impression from the case histories is that the debilitating effects of many diseases including malnutrition, might lead to certification if the person afflicted had no-one who was prepared or capable of caring for them.⁵⁴

What is clear is that asylums were performing many functions in the second half of the nineteenth century of which the control of disorderly elements in the community formed only a small part. It is tempting to assume that 'insanity' in the Victorian era was a label which could be applied to a wide range of social 'deviance', ranging from sexual immorality, and vagrancy to criminality and even radical politics. From the standpoint of late twentieth-century sociology of deviance, it is all too easy to forget that the conditions in

53. J.Walton, (1979) op cit pp.12-13

54. Case 106 [Lunatic Admissions]; Case 034, [Lunatic Admissions] ; M.Finnane, (1981) op cit pp.136-42, discusses the poor physical health of admissions to Irish Asylums.

which the Victorian poor and 'middling' lived were likely to create a large amount of bizarre behaviour, debility and brain damage as a result simply of disease, injury and poor nutrition. The hard lives and low nutrition of working women were reflected in the frequency of brain damage and congenital conditions in the working population as a whole, while ignorance and inadequate medical care meant that such effects were not restricted to the poor alone.⁵⁵

The incidence at which mental deficiency, epilepsy and physical deformities, occurred in studies of paupers, criminals and their families, was high enough to convince contemporary observers that mental illness, physical deformity and mental handicap were linked. Not surprisingly they also found evidence of drunkenness, crime and illegitimacy in large families living on the edge of pauperism. The explanation offered by the medical model of insanity was heredity. The implications of the acceptance of this theory will be discussed in the following chapters. For the county asylums the high incidence in the general population of diseases and conditions with mental symptoms meant that there was a large pool of prospective patients already present among the poor and middling classes when the county asylum system came into existence. The study of the Warwick Asylum suggests that it was these kinds of people, and chiefly the most unmanageable or friendless amongst them who formed a very large proportion of admissions, rather than the socially deviant insane.

Despite these findings, it was the socially deviant section of the institutional population which most occupied public and official opinion in the last quarter of the century. Concern for more

55. M. Llewelyn Davies, Maternity, Letters from Working Women (1978) (First published 1915)

efficient classification of prison, workhouse and asylum inmates focused in particular on two groups; the mentally deficient or 'feeble-minded' and mentally disordered offenders or 'criminal lunatics'. The following two chapters examine the debate which took place at the national level over the segregation of these two groups from other inmates of prisons, asylums and workhouses and how this was reflected in their treatment at the local level in Warwickshire.

NOTE ON SOURCES - CHAPTER SIX

The sources for information about the Warwickshire inmate population used in this chapter were, whenever possible, those compiled on a person's entry to an institution, rather than summary statements made by a superintendent or governor. Some qualifying notes about the sources used are necessary, however.

Warwick Asylum: All the admission forms from 1852-1890 inclusive were consulted and a count made of the proportions of male and female admissions in this period. For all other variables two types of assessment were made; the first was based on the casenotes of all patients admitted during 1861 and 1862; the second consisted of analysis of the summary tables given in the annual reports of the superintendent, of the demographic details for the admissions each year. Together these two types of assessment act as checks on each other and the superintendents' figures for the 1861-62 admissions tally closely with those taken from the casebooks. Information about the occupational background of asylum entrants was not given for annual admissions but rather as a tally of the occupations of all patients admitted since the opening of the asylum, exclusive of relapses. This method seems to have allowed more scope for inaccuracy, particularly in the case of female occupations. The number of housewives and those of no calling for example, varied considerably from year to year. Male and female occupations were not noted separately, so the proportion of women recorded under their own or husbands' occupations, was difficult to assess. Yet similar patterns were evident from the superintendents' figures and those of the 1861-62 casenotes, thus providing more confidence

in the results. There was a gap in the asylum reports between 1883 and 1898, so statistics for the rest of the 1880's have been limited to what was available from summaries in the later reports. For the 1852-83 period, some assessment of change over time was made by dividing the period into two; 1852-68 and 1869-83. Very little change in the demographic characteristics of asylum admissions was shown on the basis of these two assessments.

Warwick County Gaol: The records of committals to the county gaol have not survived, either locally or in the Public Records. The Judicial Statistics in Parliamentary Papers, however, provide details of the age, sex and occupations of all commitments to each local prison annually, beginning in 1856. From these it was possible to compile the social profile of all the admissions up to 1890, and this period was divided into two halves chronologically for an assessment of change over time. Use of the census of the prisoners taken in 1861, suggested that the Judicial Statistics were a reasonable guide to the structure of the prison population, and helped to provide a more complete picture.

Warwick Union Workhouse: Information about workhouse admissions was provided by the Indoor Relief Lists of the Warwick Union. The lists consist of entries of the pauper's name, date of birth, occupation, whether able-bodied or not, whether an orphan or insane, and also the religion professed. In a 26-week register, a tick was entered for each week that the pauper was in the house, and there were thus two registers for each year. Warwick is the only union in the county for which indoor relief registers have survived, such

records being fairly rare across the country as a whole.¹ The dates covered by the Warwick Union lists are April 1866 to March 1867; April 1870 to March 1871; and April 1891 to March 1892, but the two earlier ones form the basis for comparing the workhouse entrants with entrants to other institutions.

Censuses of Warwickshire: The census reports for 1861 and 1881 were used to provide evidence about the general population of the county. Unless stated otherwise, the registration districts of Aston and Birmingham have been excluded from the figures, as also have children aged less than 15, where this could be done.

Occupational analysis: It has been said that 'any attempt to reclassify nineteenth-century occupational data with industrial and social groupings is a hazardous project'.²

With this in mind our aim in classifying inmates' occupations was to follow the occupational categories of the census data rather than to try to assess each inmate as to 'social class'. Occupational categories were then assigned to five socio-economic groupings.

The major categories were assigned as follows:⁽³⁾

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1. Files in the National Register of Archives show Kent to have the best selection of indoor relief lists, around 6 unions having surviving lists, but in many counties no nineteenth-century lists have survived at all.
 2. G. Stedman Jones, Outcast London (1971) (p.350 in pb. edition, 1976)
 3. For a full discussion of methods of analysing occupational data see W.A.Armstrong, 'The Use of Information about Occupation', in E.A.Wrigley (Ed.) Nineteenth-century Society: Essays in the use of Quantitative Methods for the Study of Social Data. (Cambridge, 1972) especially Part 2 'Industrial Classification 1841-91'.

CATEGORIES USED FOR OCCUPATIONAL ANALYSES

<u>I(a) Landowners/etc</u>	<u>II Retail and Commercial</u>	<u>III Skilled</u>	<u>IV Semi-skilled</u>	<u>V Unskilled</u>
Gentleman/ annuitant Land Proprietor Farmers & Growers House Proprietor	All dealers Hoteliers & Lodging. Mercantile trades Agents Brokers Food sellers Coalmerchants Jewellers	Clerks Skilled transport Toll Collectors Cabowners Gamekeepers Tools & machines All Building trades Furniture workers Chemical manuf. Hairdressers Skilled Smiths	Needlemakers Textiles Dress Bone & bristle Oil refining Wood & paper Mining Earthenware, glass, minerals Indefinite mechanics	Army & Navy (not officers) Domestic Service Stores Transport Agricultural lab & other workers Woods & gardens Animal workers Roads Quarry workers Gas workers Labourers
<u>I(b) Professions and Civil Servants</u>				
Civil Service/ Post Office Teaching Estate agents Medical Farriers Surveyor Architects Clergy Legal				

CHAPTER SEVEN: SEGREGATING THE CRIMINALLY INSANE - THE CASE OF
CRIMINAL LUNACY

I

Offenders who are also mentally disordered have always posed problems for legal and penal systems. Historically the central issue was a legal one, that of determining the responsibility of such offenders for their crimes, but from the mid-Victorian era this became less important in the face of deciding whether offenders should be dealt with penally or psychiatrically.¹ It was the rise of psychiatry and the growth of a system of public asylum care which provided the initial impetus for this separation of the question of disposal from that of responsibility. By mid-century some provisions already existed for the recognition and special detention of insane offenders. With the establishment of the county asylum system, however, and more standardised medical provision for prison inmates, the superintendents of the new asylums and prison surgeons began to realise that many of the people under their charge might easily have found their way into either institution.² Yet change in the treatment of mentally disordered offenders came only slowly. It was not until 1889 that the Home Secretary issued specific instructions to magistrates that offenders need no longer be sent to prison but direct to an asylum,

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1. For the fullest treatment of the history of crime and mental disorder, and of the change from penal to psychiatric disposition, see N. Walker, Crime and Insanity in England vol 1 (Edinburgh, 1968) and N. Walker and S. McCabe, *ibid.*, vol 2 (Edinburgh, 1973). More recent discussions of present-day problems with mentally disordered offenders can be found in R. Bluglass, 'Regional secure units and interim security for psychiatric patients', British Medical Journal 1978, pp.489-93; and J. H. Orr, 'The Imprisonment of Mentally Disordered Offenders', British Journal of Psychiatry, vol 133 1978 p.194.
 2. E.g., J. C. Bucknill, Unsoundness of Mind in Relation to Criminal Insanity (1854) p.142

while legislative recognition of the problem only came in 1913, when the Mental Deficiency Act included provisions to end the sending to prison of mental defectives who came before the courts.³ How was it that in an era of increasing incarceration and segregation of different sorts of deviance, the segregation of the mentally disordered offender proceeded so slowly?

II

In the early part of the nineteenth century a number of legal and custodial provisions had been introduced which related to mentally ill offenders. Insanity had been successfully used as a defence in the courts since well before 1800, but it was in that year that James Hadfield's attempt to assassinate King George III led to the first specific provisions for the custody of insane offenders.⁴ The Criminal Lunatics Act of 1800 laid down that anyone charged with murder or felony who was found unfit to plead or acquitted, on the grounds of insanity, was to be detained as a lunatic in a suitable place, 'until His Majesty's Pleasure be known', or in other words, indefinitely. The first state asylum for these criminal lunatics was incorporated into the new Bethlem Hospital, completed in 1815, and an Act in the following year made it possible for prison authorities to transfer convicted criminals who became insane during their sentence to an asylum, on obtaining a warrant from the Home Secretary.⁵ A further Act in 1840 extended this provision to include unsentenced prisoners and prisoners awaiting execution. Prisoners transferred under the 1816 and 1840 Acts were to be certified as insane by two

3. N. Walker and S. McCabe, (1973) *op cit* pp 24, 59

4. N. Walker, (1968) *op cit* pp. 74-80

5. P. Allderidge, 'Bethlem to Broadmoor', Proc. Roy. Soc. Med. vol 67 1974, pp. 897-99

of the magistrates of the gaol, assisted by two medical men, and could only be returned to prison or discharged when it was certified to the Secretary of State that the prisoner was of sound mind.⁶

These provisions, however, alleviated the plight of only a minority of the mentally disordered who had committed offences against the criminal law. The majority of them were not people who had committed spectacular offences, such as Hadfield's, but more mundane criminals sentenced by magistrates' courts and Quarter Sessions to serve short terms in the local prisons. Only a few of them exhibited the more severe and unequivocal forms of mental illness and deficiency, which at trial might call in question the responsibility of the accused. Moreover, the meaning of insanity itself was confused throughout this period, for it included not only the terms 'lunacy' and 'of unsound mind', but also mental deficiency or 'idiocy' and a less severe designation, 'imbecile'.⁷

In the certification of pauper lunatics the criteria constituting grounds for certification of insanity were largely at the discretion of the medical profession. Yet to stand as a test of responsibility, the criminal courts required something more than the opinion of a 'medical man' or even of a psychiatric authority. In 1843, following the case of Daniel McNaghten, the judges of England were asked to state criteria, upon the basis of which a jury was to decide the criminal responsibility of offenders. Their answers, which soon acquired the status of 'Rules', centred on what was known as the right-wrong test of insanity; that the accused, because of a disease

6. D. H. Tuke, Chapters in the History of the Insane (1882), p.265 and passim.

7. Lunacy Act (1845), 8 and 9 Vict. c 100, s.cxiv: 'Lunatic shall mean every person being an Idiot or Lunatic, or of Unsound Mind'.

of the mind, must either have been unaware of what he was doing, or have been unaware that what he was doing was wrong.⁸ The problem with this legal definition of insanity was that only the most incapacitating forms of mental disorder or the most specific kinds of delusion were likely to qualify an offender to pass such a test. It was fortunate for some offenders that alternative loopholes were provided by certification after conviction and the facility under the 1800 Act for finding the obviously insane unfit for trial.⁹ Nevertheless, the right-wrong test meant that a whole range of disordered persons who, as non-offenders, could be certified as insane and sent to asylums, did not qualify for a finding of insanity by the criminal courts. The rules themselves were applicable only in cases where the crime was serious enough to be brought before a jury, but while this test of responsibility was the official yardstick of the higher courts, petty offenders could scarcely expect special consideration. In the majority of cases the magistrates had little option but to commit mentally disordered or deficient offenders to prison.

If the insanity of these people was then recognised, they would be sent not to one of the specially designed state establishments for criminal lunatics that existed at Bethlem from 1815, at Fisherton House Asylum from 1849 and at Broadmoor from 1863, but to the local county pauper asylum. It was thus on the level of the local prisons and county asylums that the problem of the mentally disordered offender was most keenly felt. County and borough asylums were the major receivers of offenders found insane in the local prisons. Following an Act passed in 1867, they had also to receive from state asylums and convict prisons, criminal lunatics whose sentences had

8.N.Walker, (1968) *op cit.* p.100

9. Ibid pp.219-39; P. Alderidge, 'Bethlem to Broadmoor', (1974) *op cit.* pp. 902-3

expired and who could only be further detained as pauper lunatics. Taken together, therefore, the public asylums housed over 50 per cent of all criminal lunatics detained in the latter half of the century. In 1863, 419 of the 877 criminal lunatics in custody were in county or borough asylums; nearly 20 years later, in 1880, when the total number of criminal lunatics and ex-criminal lunatics was 1288, the public asylums held 720 of them.¹⁰ The case histories of 146 criminal cases admitted to the Warwick County Asylum between 1852 and 1890, constitute the full record of one asylum's experience of certified mentally disordered offenders, from the opening of the institution, to the time of the Home Office circular in 1889, and the 1890 Lunacy Act.¹¹ These case-histories, together with the less complete casenotes of Birmingham patients form the basis of an assessment of how the mentally disordered offender was treated at the local level. They demonstrate how the everyday experience of local prisons and asylums gradually forced official opinion to recognise the lesser types of mental disorder and the issue of disposal, and led to a more flexible use of psychiatric definitions within the judicial framework.

10. Lunacy Commissioners (hereafter L.C.) 17th Report, for 1863, p.12; Report of the Departmental Commission on Criminal Lunacy, P.P. 1882, vol 32(841), App.A(1), pp.109 and 111.

11. The 146 cases represent almost all the criminal lunatics certified in the county of Warwickshire. All the admission forms of patients to Warwick County Lunatic Asylum between 1852 and 1890 were examined, and the criminal admissions extracted; these were then followed up in the case-notes. It was estimated that around 20 persons found lunatic by special court verdicts were sent to state asylums, rather than to the county asylum, while a smaller number found their way into the lunatic wings of Millbank and Woking prisons, having been declared insane while serving time in the government convict prisons. Some of these missing cases were picked up again when they were returned to the county asylum on the expiry of their sentence. But for the purpose of studying the problem of criminal lunatics in local institutions, the 'sample' is a complete one.

III

When official and public opinion turned towards the question of the mentally disordered offender, it was initially concerned with spectacular cases of the kind that forced themselves on the attention of prison and asylum staffs. Asylum superintendents were the first to campaign for some change in the provisions applying to criminal lunatics, but their primary aim was to expel from their 'moral treatment' asylums the difficult cases received from the prisons. In 1852 the Lunacy Commissioners sent out a circular to local asylum authorities requesting their opinions on the question of associating criminal and ordinary lunatics in asylums. The replies can be summarised: such association was degrading to non-criminal patients; the behaviour of the criminal lunatics was morally offensive, insubordinate and caused dissatisfaction among the other inmates; the presence of criminals necessitated greater security in asylums than would otherwise be needed and deprived ordinary patients of their fair share of staff attention; while criminal patients themselves resented that they could not gain discharge in the same way as ordinary lunatics.¹² These complaints were clearly confined to the administrative needs of the moral treatment asylum. In the 1850's the psychiatric interest was trying to establish the reputation of county asylums as therapeutic institutions of first resort modelled, at least in theory, on the new methods of non-restraint pioneered by Tuke at 'The Retreat' at York.¹³ Obviously, having to accept cases which the prisons could

12. L.C. 7th Report, 1853, p.1

13. L.C. 8th Report, 1854, p.45: 'We think it very important that ordinary Asylums should be, in fact and character, considered and managed simply as hospitals for the medical and moral treatment of insanity ... this enlightened and humane policy is now carried out in all well-conducted asylums which, on that ground amongst others, are wholly unfit for the purpose of the due security of criminal patients'; For an account of moral treatment at the 'Retreat' see K. Jones, History of the Mental Health Services (1972), p.45.

not manage was an embarrassment to such institutions. While the Commissioners occasionally conceded that minor offenders and pauper lunatics differed little and that the former presented few problems,¹⁴ the mainstay of the psychiatric lobby on criminal lunatics for the rest of the century remained the segregation of criminal from ordinary patients, because of the former's special character as jailbirds.

'Lunatic criminals' who had become insane while serving their sentence were described by the superintendent of Broadmoor as 'dangerous ... and depraved, ... characterised by their tendency to combined acts of violence and by the secrecy and cunning displayed in their assaults on officers'.¹⁵

Study of the Warwickshire criminal lunatics confirmed that security was certainly one of the problems that county and borough asylums encountered with such patients. One-twentieth (12 cases) of those criminal lunatics sent to Birmingham and Warwick asylums between 1852 and 1890 made successful escapes, but the success rate of escape bids by ordinary lunatics was negligible, most of them being easily brought back to the asylum.¹⁶ Nor were riots unknown. In October 1862 at Warwick asylum two criminal patients - one a poacher and the other a labourer imprisoned for setting fire to a shed - staged a riot nicely planned to coincide with a round of the wards by members of the justices' Visiting Committee. The case-book records that 'both men became violently excited, broke windows and attacked the committee, using violent and abusive language to them and throwing stones'.¹⁷

14. E.g., L.C. 14th Report, 1860, pp.100-101.

15. J. Campbell, Thirty Years Experience as a Medical Officer in the English Convict Service (1884), pp.86-7,102.

16. Cases 022 and 023. (Criminal Lunatics)

See also WCLA, Report for 1862, p.10.

*no des rpt
can be found about it.*

Spectacular outbreaks such as this lent support to the doctors' insistence that criminal lunatics were an especially violent type of patient, but their claim that asylums were not designed to cope with dangerous cases was less convincing.¹⁸ Some asylum doctors indeed saw criminal lunatics as only one example of a whole range of dangerous and difficult patients who were out of place in county asylums. In 1854 Dr. Bucknill wanted special institutions to be established for 'lunatics of criminal disposition ... whether they have committed overt acts or not'.¹⁹ Psychiatrists arguing from this woolly standpoint found themselves trying on the one hand to emphasise the differences between criminal and ordinary patients, while on the other stressing that in individual cases the similarities between them could be so great that what was needed was a subjective definition based on the character of the inmate, rather than the mere fact of a criminal conviction.

Following the awakening of public interest in the mentally disordered offender through Hadfield's case, Bethlem's notorious Criminal Department, and McNaghten, something of a stereotype of the criminal lunatic as a violent dangerous maniac was elaborated, on which the superintendents were able to rely for support. This image of criminal lunacy was further enhanced by the legal fraternity's obsession with establishing links between insanity and violent crime. The majority of nineteenth century studies of insanity as a cause of crime, particularly those of the Howard Association and others advocating reform of the

18. Cases designated as 'not dangerous' were frequently retained in workhouses, rather than sent to the asylums: R. Hodgkinson, 'Provision for Pauper Lunatics 1834-71', (1966) *op cit.* pp 144-54

19 J.C. Bucknill, (1854) *op cit.* p.141

law, concentrated on the question of criminal responsibility and the unsuitability of the death penalty for insane murderers.²⁰ The press reportage of murder trials, in which the plea of insanity was raised and psychiatrists gave their opinions,²¹ together with a popular market for psychiatric literature and prison memoirs, helped to perpetuate the image of the violent criminal madman.²²

A survey of the criminality of the Warwick asylum criminal patients indicates that this image was somewhat of an exaggeration when applied to the kinds of cases county asylums had to receive. Only 26 out of the 146 admissions had committed serious crimes against the person, such as murder, assault and wounding, while a further nine had been charged with less fearful offences, like maternal infanticide and indecent exposure. Sixty-three of the Warwick cases were offenders against property, mostly petty thieves, while the remaining 48 cases were convicted of disorderly rather than violent or dangerous crimes, such as vagrancy, breach of the peace and travelling without a railway ticket. [Figure 1]. Nor do these cases seem to have

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20. E.g., J. R. Reynolds, 'Criminal Lunatics - Are they Responsible?', J. Mental Science vol. 3 (1856-7), p.134; W. Guy, 'On Insanity and Crime', J. of the Statistical Society vol. 32 (1869), pp.182-3; W. Tallack, Humanity and Humanitarianism (1871), p.27; Howard Association, Capital Punishment and Criminal Lunacy (1872), p.3; idem., Annual Report (1876), p.309. For a reassessment see: R. Smith, 'The Boundary between Insanity and Criminal Responsibility in 19th Century England' in A. Scull, (ed.) (1981) *op cit*, Chapter 14.
 21. N. Walker, (1968) *op cit*, Chap.6. Submission of expert testimony by psychiatrists, at trials where the plea of Insanity had been raised, became so common that the profession became concerned that courtroom situations might damage their prestige as 'scientists', D. H. Tuke, Chapters in the History of the Insane (1882) p.283.
 22. E.g., J. H. Brenten, The Tragedy of Life (1861) contains four short stories and one novelette, all dealing with violent lunacy, or death caused by the insane or deficient. F. Robinson, Female Life in Prison (1863), pp.239-45, is one example of a prison memoir with a section devoted to 'insanity'.

been so 'depraved' or dangerous that fewer of them than ordinary lunatics could be eventually cured and set free. The recovery rates of criminal lunatics were at least no worse than those of ordinary patients. At Warwick 37 per cent of all the male patients admitted between 1852 and 1890 were discharged recovered, compared to 39 per cent of the criminal male patients admitted over the same period, and at Birmingham the recovery rate of men in both groups was 45 per cent.

Figure 1 Crimes of 146 Criminal Lunatics

<u>Crimes against the Person</u>		<u>Crimes against Property</u>		<u>Crimes against the Peace</u>	
Murder	5	Burglary	8	Vagrancy	15
Attempted Murder	2	Robbery	2	Breach of peace	15
Wounding	7	Larceny	42	Misbehaviour in Workhouse	6
Rape	3	Fraud	2	Drunk & disorderly	4
Assault	9	Forgery	3	Making threats	3
Infanticide	3	Receiving	1	Desertion of wife	1
Attempted infanticide	1	Poaching	1	Bigamy	1
Indecent exposure	1	Arson	2	Gambling in public place	1
Attempted suicide	1	Wilful damage	2	Travelling without a railway ticket	4
	32		63		51

The superintendents then, possessed a narrow appraisal of the criminal lunacy problem. In their attempts to purge difficult cases from their asylums, superintendents had seized on the simplistic stereotype of the violent criminal lunatic at its face value. In fact, criminal lunatics in county asylums seem to have been a special group of inmates solely because in terms of security they were more difficult to handle than other patients and not by any differences in their brand of insanity or the violent offences they were supposed to have committed. Yet while this emphasis on violence remained the central tenet of the medical lobby's argument for more adequate care of the criminally insane, it is hardly surprising that little more was offered in the way of improvement than the opening of Broadmoor in 1863 for the worst cases, while

superintendents were left to deal with violent non-criminal cases and most short-sentence criminal lunatics as best they might.²³ The concentration of the legal and medical profession on spectacular cases only served to slow down and detract from the growth of concern for the less interesting majority of the mentally disordered in prisons.

IV

From the early 1870's, however, there can be discerned a growing shift in the emphasis of professional discussion, away from the concentration on the seriously disordered criminal lunatic, towards a more general concern with the weakminded and other members of the less spectacular but more numerous group of mentally disordered offenders. Much of this new attention was focused by the entry into the debate of prison doctors who, since 1865, had been required to carry out regularised medical inspections of the inmates of local prisons. Prison surgeons and governors began to put forward their own interpretation of the criminal lunacy question. They saw the problem as one of a stage-army of habitual and weakminded offenders who repeatedly incurred punishment for petty offences yet never exhibited enough insanity, under the requirements of existing legislation, to precipitate their removal from prison, or to prevent them from being sent there in the first place.²⁴ No doubt the prison

23. One strategy was to find alternative accommodation for such patients, like that provided at Fisherton House Asylum, which after 1863 began to specialise in the care of dangerous pauper lunatics: WCLA, Report for 1869, p.9.
 W. Guy, 'On Insanity and Crime' (1869) *op cit.* p.169;

24. 'There are to be found among the population which supplies us with criminals ... about 28 in the thousand of men of weak mind not yet recognised as proper objects for the lunatic asylum'.

authorities were anxious to demonstrate that a high proportion of offenders were insane or weakminded on reception, to counter accusations that the separate system and harsh discipline fostered mental deterioration,²⁵ but the interest of the prison doctors was firmly rooted in their daily experience and they produced studies and statistics to prove it. In 1869 the Howard Association quoted an estimate that one in every nine prisoners was 'more or less insane', and a year later Dr. James Bruce Thomson of Perth prison estimated 12 per cent of prison inmates to be 'mentally weak in different degrees'.²⁶

Much of this new perspective was bound up with developments in criminological theory. Using Morel's concept of 'progressive degeneracy', in which ever-worsening moral and physical defects could be passed from one generation to another, the psychiatrist Henry Maudsley and Scottish prison doctor, James Thomson, proposed that there was a class among criminals of 'born-criminals', lacking in intelligence and 'moral instinct' and often with physical deformities, or conditions such as epilepsy or insanity. Thomson's work in particular was supported by statistical observations and family studies drawn from his prison experience, and made quite an impression on his contemporaries.²⁷ How such 'born-criminal' theories eventually culmin-

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25. From their introduction, separate and solitary confinement were criticised on the grounds that they caused insanity. Such accusations continued to be made: ^{Dr.} Gutsch, 'Insanity among criminals in solitary confinement', J. Mental Science, vol. 8 (1862) p.556; Report of the Departmental Committee on Prisons, P.P. 1895, vol. 56, pp. 33 and 48. See also U. R.Q. Henriques, 'The Rise and Decline of the Separate System of Prison Discipline', Past and Present, No. 54 (1972), p.86.
26. Howard Association, 'A Plea for a Royal Commission on Criminal Lunacy', Annual Report (1869); J. B. Thomson, 'The Hereditary Nature of Crime' (1870) op cit. p 8
27. For a summary of the 'born-criminal' theory, see L. McDonald, Sociology of Law and Order (1976), pp.81-2. J. B. Thomson, (1870) op cit., seems to have been the most widely read of these writers, and most of the others were influenced by his research:
H. Maudsley, Body and Mind (1870), p.65;
L. O. Pike, History of Crime in England (1875), p.668;
E. Du Cane, 'Address on the Repression of Crime', Transactions of the Nat. Assoc. for the Promotion of Social Science (1875), pp. 300-302.

ated in the broader question of the care of the feeble-minded, is discussed more fully in the Chapter which follows. For the moment it is sufficient to say that in the 1870's and 80's eugenic aims were only rarely articulated.²⁸ Some observers, however, were convinced that simply to prevent recidivism, some form of indeterminate detention was needed for weak-minded offenders. Dr. William Guy, for example, suggested in 1869 that the number and size of lunatic asylums should be increased as 'a truly economical substitute ... for the workhouse, the hospital and the prison.'²⁹ Ten years later, Edmund Du Cane, the Chairman of the Prison Commission, was in agreement that it would be to the interests of society if these people [weak-minded habitual offenders] were confined and taken care of'.³⁰

V

Whatever prison surgeons and Commissioners would have liked to see happening, the classification and disposal of mentally disordered offenders was not their responsibility. The initial prosecution and committal of offenders was in the hands of the police and magistrates' courts, while the visiting justices of local prisons remained responsible for the certification and removal of lunatic prisoners, even after losing control over general prison administration in 1877.

Despite the circulating theories about 'born-criminals' and fears of

28. E.g., L. O. Pike, (1875) *op cit* p.579; W. Guy, who had the most clearly constructed scheme, showed some concern about the reproduction of imbeciles - 'a constantly increasing check would be placed on the increase of the imbecile population by the seclusion of adult males and females of this class' - but his chief aim was their restraint in the present: Commission on Criminal Lunacy, Report, (1882) *op cit*, p.162.

29. W. Guy, 'On Insanity and Crime' (1869) *op cit*. p.187

30. Report of the Commission on the Penal Servitude Acts. P.P. 1878-9 vol.38 (2368), p.42; Public Record Office (PRO), HO45/71439

the increase of insanity through the lack of control of alcoholics, mental defectives and other 'degenerates',³¹ these authorities seemed reluctant to speed the process of segregation and control by sending offenders to asylums. In Warwickshire not only offenders with the less spectacular or obvious mental disorders, but also fairly severely disordered 'lunatics' and the obviously mentally deficient were being sent to prison. Evidence is given in the Warwick asylum case-books as to whether patients appeared to be congenitally sub-normal, were imbecile or suffering from general paralysis, and whether they were 'known' to have been mentally ill, weakminded, epileptic or merely eccentric, for some time before committing an offence, or had previously been in asylums. From these it appears that at least half of the 110 criminal lunatics who had been sentenced to imprisonment were 'insane' enough at the time of their committal to have been certified as lunatic. As many as 15 of them were noted on their admission to the asylum to be 'congenital idiots' or 'idiot in appearance'. Even in the 1880's when police and magistrates had had nearly 30 years' experience of a public lunatic asylum in the county, persons described in this way were sentenced to imprisonment, sometimes for terms of up to 12 months. Two other fairly typical cases are the 53-year-old man suffering from general paralysis who was sentenced to one month for misbehaving in the workhouse; and a youth who had been invalided out of the army because of alleged insanity, who was prosecuted for riding on a train without paying the fare.³²

In theory the 'insanity' of an offender could be diagnosed at two points: before conviction, by the police or a magistrates' court, or

31. E.g., L. Forbes Winslow, Recollections of Forty Years (1910), pp. 376-7; E. Du Cane, 'Address on the Repression of Crime' (1875) *op cit.* pp.300-305

32. Cases 092 and 079. [Criminal Lunatics]

after committal to prison, where the prison medical officer and visiting justices were responsible for drawing attention to the case and arranging for certification and transfer. For the numerous petty offenders this latter stage was the most important one (for the question of legal responsibility could only be raised where an offence was serious enough to be tried by a higher court) and they first saw a medical authority only on committal to prison. The cases which occur in Warwickshire's asylum records represent only those who eventually gained the designation of 'criminal lunatic'. Those offenders whose mental disorder was not recognised or not considered sufficiently serious enough to warrant removal to an asylum were not visible. However, the details of those cases who had gained transfer indicated that special circumstances had prompted their removal from prison, usually the onset of spectacular or violent behaviour.

Prisons were designed to cope with some amount of difficult or unruly behaviour, and the Warwick case-notes show that aberrant behaviour and other symptoms of possible mental breakdown might be dealt with for weeks by the prison medical officer before certification was turned to as a last resort. Case 075 from the case-books, a man serving an 18-month sentence for burglary, who was sent to the asylum after 16 months in prison, demonstrates how the authorities attempted to handle such cases in the gaol:

His first attack began nine months previously when he had begun to pick at the windowsill of his cell but his conduct was otherwise good. Two months later he began to pull things to pieces and talked strangely. However, he was not violent and obeyed orders. Afterwards he became depressed and grew thin. He was moved to the kitchen to work and worked well for the next three months when he became excited and would not go into his cell until the Governor was called. He was moved to the reception ward where, once again, he worked usefully for a few weeks until he was again noticed strange and smashed his table ... He was certified that week and removed here.

Thus a considerable degree of difficult behaviour was tolerated in the prison. Another case of an epileptic prisoner who had had fits every time he had been previously imprisoned, but was only sent to the asylum after having a fit accompanied by violent destructive behaviour, suggests that it was the violent expression of mental 'disorder' that was most likely to lead to the certification of a prisoner. Warwick prison acquired a padded cell in 1868 specifically for treating epileptic cases, but it was also used to quieten refractory or uncontrollable prisoners. Such innovations made it easier for the prisons to deal with lunatic cases for longer before transferring them to the asylum, extending the threshold of staff tolerance which prisoners needed to break through in order to be certified as insane.³³

It would be wrong to suppose that the visiting justices of the prison had no expertise in the matter of lunacy. Frequently, as in Warwickshire the same magistrates acted as members of the asylum committee of visitors and most of these seem to have inspected the wards regularly.³⁴ It is inconceivable that they were unaware of the certifiability of some of the inmates of their prisons, particularly since it was the visiting justices' duty to arrange for independent medical examination before forwarding certificates of insanity to the Home Office. A number of possible reasons for the slowness of the prison doctors and magistrates to certify were noted by contemporaries; others emerged from the Warwickshire study.

As members of asylum visiting committees, prison justices knew that county asylums had neither adequate staffing, security nor space

33. WCRO. Reports of Visiting Justices of Warwick Prison to Quarter Sessions, 1868 (QS 2/1); Walker and McCabe, (1973)
op cit. pp. 39-41.

34. WCLA, Visitors' Books, 1852-89.

properly to accommodate large numbers of lunatics from the prisons, and they were reluctant to provide such facilities. One argument was that it would be detrimental to the moral treatment of lunacy if asylums were approximated to prisons.³⁵ Could it be also that the cost of caring for offenders in asylums, compared to keeping them in prison, acted as a disincentive to magistrates to create more lunatics out of the prison population? Officials at the Home Office certainly thought that relative costs played a part in magisterial reluctance to transfer offenders after 1877, when the ratepayers ceased to finance prisons but continued to pay for lunatics and criminal lunatics.³⁶ In the period before the 1877 Prison Act, though, it is unclear how far financial considerations might have influenced the visiting justices. Figures of expenditure per head were available to Quarter Sessions in the reports of both prisons and asylums, but on the basis of these there seems to have been little difference between the cost of prisoners and lunatics, and in fact prisoners appear to have been slightly more expensive. In the late 1860's and 70's at Warwick gaol, prisoners cost around £30 each per year, and at Birmingham slightly less at £24. Patients in Warwick asylum cost £25 per year and at Birmingham asylum only £22.³⁷ Yet in terms of absolute expenditure, asylums did cost the ratepayers more than prisons, simply because the number of resident inmates was larger and asylum standards had to be

35. J. M. Granville, The Care and Cure of the Insane (1877) p.189; PRO, HO45/71439, Report of Committee of Visitors of Surrey Lunatic Asylum in 1879: 'An asylum is not a prison and there are no really effective means of preventing a clever person from escaping. Greater precautions than those already taken ... would be mischievous to the ordinary use of the place'. They had decided in 1877 to admit no more criminal lunatics.

36. PRO. HO 45/71439/60 and 62.

37. The figures are taken from the Annual Judicial Statistics, the annual reports of the Lunacy Commissioners, and the reports of the Birmingham and Warwick asylums.

maintained under the Lunacy Commissioners' watchful eye. By the early 1860's the annual costs of both Birmingham and Warwick asylums exceeded those of their neighbouring prisons, and by the late 1870's Warwick asylum spent in the region of £15,000 annually, over twice as much as the county prison.³⁸ It must also have been obvious to county magistrates that, while lunatics in gaol ceased to be a charge on the rates once their sentence ended, 'criminal lunatics' in asylums were likely to remain a public burden long after their sentence had expired. Yet, in the absence of unequivocal policy statements, there can be no more than speculation as to how calculating the magistrates were in the matter of comparative costs of different institutions. One aspect of expenditure which probably influenced them more, and which contemporaries complained of, was that the certification and removal of criminal lunatics was itself a time-consuming and costly procedure. It took time for the Home Office to issue the warrant needed to transfer a prisoner to an asylum, and in the case of short-sentence prisoners this might not arrive before the sentence was over. The Lunacy Commissioners suggested in 1860 that this system kept down the number of certifications made of short-term prisoners, but nothing was done to improve the procedure until 1884.³⁹

The asylum superintendents' dislike of criminal patients may also have provided some incentive to the prison authorities to cope with disordered prisoners within the gaol rather than certify them. Because

38. Ibid.

39. L.C., 14th Report, 1860, pp 100-101. It was suggested that the prison justices be enabled to take immediate action in cases of lunatic prisoners, without having first to obtain the Home Secretary's warrant. This suggestion was finally incorporated into section seven of the Criminal Lunatics Act of 1884, which is further examined in the text at page 248

superintendents could not be compelled to accept a patient, the certification of a prisoner could involve the gaol authorities in much trouble if they had to seek accommodation for a criminal lunatic in other than the nearest county asylum. Asylum doctors were often the experts called in to assist with the examination of lunatic prisoners and it seems likely that sometimes their opinion of whether a prisoner was certifiable was coloured by thoughts of the difficulties of coping with criminals in their asylums.

The Warwickshire cases pointed to one other factor which may have deterred prison doctors and county magistrates alike from too hasty a response to insane prisoners: their fear that prisoners feigned insanity in order to obtain softer treatment and association with other prisoners, or removal to an asylum where life was more comfortable and security was sufficiently lax to allow escape.⁴⁰ The evidence that Victorian society's outcasts have left behind them in institutional records suggests that they were more than merely the passive recipients of the decisions and definitions of the authorities.⁴¹ There is one Warwickshire case of a workhouse inmate sent to the prison for three months for 'wilfully injuring workhouse property', who was moved within a week from prison to the asylum, said to be incoherent and tearing all the clothes he could get hold of. Whether this case and others like it were masterpieces in 'working the system', the protests of frustrated people, or simply the destructive symptoms of insanity, is difficult to say and Victorian experts themselves hesitated to make decisions in such matters. Although it could never be proved con-

40. For the associating together of prisoners suspected of insanity, see Howard Association Annual Report (1884), p.12; Lancet(1859) p.497.

41. D. J. V. Jones, 'A Dead Loss to the Community': The Criminal Vagrant in Mid Nineteenth-Century Wales', Welsh History Review vol.8(1977) pp.332-8; M. Ignatieff, A Just Measure of Pain (1978), pp.10-11; R. Hodgkinson, 'Provision for Pauper Lunatics' (1966) *op cit.* pp. 147-8

clusively that feigning was widespread, contemporaries certainly believed so and acted accordingly, to the disadvantage of genuine cases of mental disorder. A prison matron wrote in 1864 that doctors were so reluctant to risk a medical reputation by too hasty a verdict 'that many really mad are regarded with suspicion ... and are treated like the rest of the prisoners if their conduct be not too glaringly outrageous.'⁴² The prison authorities claimed that much of the insanity shown by prisoners under the 'separate' system of prison discipline was in fact feigned; in Millbank prison convicts were reported to have 'feigned' even suicide in the hope that they would be considered weak-minded and allowed a relaxation of discipline.⁴³ The Warwick asylum records yielded eight cases of supposed feigned insanity, according to the opinion of the asylum staff. One of the more successful of these was that of a tailor who was serving a 16-year sentence for burglary. A month after his trial he 'became irrational in conduct, at times excited and violent, at others tranquil with no recollection of anything and making use of incoherent language, thrusting food into his mouth in large masses and [he was] in and out of bed at night'. Despite some suspicions of feigning he was admitted to the asylum, where he 'began running backwards and forwards looking watchful and with great determination at the surrounding objects. When spoken to he appeared in a hurried and excited state, and when asked how he was, said his carriage was ready and he was going'. 'Go' he did, escaping two weeks later (case 026).

Even if escape was unsuccessful, the asylum was undoubtedly a more comfortable place than prison in which to spend a sentence. A weak-

42. F. Robinson, (1863) *op cit.* vol. 1 p. 239

43. Report of the Directors of Convict Prisons for 1859. P.P.1860, vol. 35 (2713), p.471.

minded vagrant who said he had smashed the windows of his cell because 'he thought he had been there long enough and wanted to get away', thought the asylum was 'a capital place' and said he never wanted to leave it (case 063). Most criminal lunatics, though expected to be discharged from the asylum at the end of their sentence as they would have been had they remained in gaol, and realisation of this mistake was frequently a source of angry and violent protests. R.L., who had plastered excrement over the walls of her prison cell because 'they did not treat her well and she was determined to give them all the trouble and annoyance she could', protested in a similar way when she was not discharged from the asylum at the end of her sentence.

Criminal lunatics had less respect than most of the paupers for the authority of the asylum doctors and tended to see the asylum as merely a more comfortable kind of prison.⁴⁴ The problems they caused and the practice of feigning insanity encouraged prison staff to raise progressively the high level of disordered behaviour needed to break their toleration point and precipitate removal.⁴⁵ Together, the prejudices of superintendents, the inadequacy of asylum facilities, the troublesome process of certifying short-term prisoners and the suspicion that insanity was feigned, all combined to keep down the numbers of convicted prisoners who were certified as lunatics.

44. E.g., case 1012, who was 'sullen and angry at being here instead of discharged, considered it part of the system of passing him from place to place and would not believe this was an asylum unconnected with the Government prisons or asylum'. See also J. M. Granville, (1877) *op cit* vol 1, p. 78, PRO, HO45/71439/62.

45. W. Guy, Results of Censuses of the Population of Convict Prisons in England taken in 1862 and 1873 (1875), p.12 refers to the increasing experience and rigour in the detection of feigning.

VI

The initial problems lay, however, in the magistrates' courts and in the action of the police in arresting and charging with offences people who were mentally disordered. Magistrates not involved with the running of the asylum or the prison admittedly had less direct contact with lunacy than those who did the regular rounds of the institutions, but were nevertheless expected to have some lay knowledge of mental disorder, since they were involved in the certification of ordinary lunatics. It had long been part of police duty to ensure the control of disordered vagrants or 'wandering lunatics' by apprehending them and bringing them before a justice,⁴⁶ so they also must have had considerable experience of the mentally disordered. Why then, in spite of this reservoir of experience among police and magistrates of the nature of mental disorder, were so many cases charged with offences and sent to prison, when, if the criminal process were not involved, they might have been certified and sent to asylums?

For most of the century the law was unclear concerning how much discretion magistrates were allowed with regard to insane offenders. The Dangerous Lunatics Act of 1838 permitted justices to certify and send to asylums 'persons discovered or apprehended under circumstances denoting a derangement of mind and a purpose of committing some crime for which such person would be liable to be indicted'.⁴⁷

46. Under the Criminal Lunatics Act (1800), 'wandering lunatics' in danger of committing some crime could be committed to gaol, and by 1 and 2 Vict. c. 14 (1838), sent to asylums; and it was part of police duty to apprehend such persons: Walker and McCabe, (1973) op cit. pp. 253-4

47. Ibid., p.254

Whereas in Ireland this Act became the most important mode of committal of lunatics to asylums, its English counterpart was rarely used.⁴⁸ In his comprehensive study of insanity in Ireland during the nineteenth century, Finnane has shown that opposition to increasing the burden on the poor rates, kept the certification of Irish lunatics firmly within the criminal law, under successive legislation which placed all lunatics on the same plane as the dangerous lunatic. In England, Scotland and Wales the committal of lunatics was placed within the realm of the Poor Laws, and the 1838 Act, which could have been more widely used in cases of mentally disordered offenders, became largely defunct.⁴⁹ The law provided no guidelines, moreover, as to how justices should act in cases where an arrest had not been made merely for prevention of a crime, but where an offence had been committed. The power to dismiss charges in summary courts was not given to magistrates until 1879 and no official indication that this power could be used expressly in cases of mentally disordered offenders came until ten years later, when the Home Office reluctantly issued a circular to that effect.⁵⁰

Police attitudes towards mental disorder were, at best, ambivalent. In Warwickshire, cases eventually categorised as congenitally idiot or weak-minded by the asylum staff had been passed through the courts and prison frequently before, without having been certified. One young labourer described as congenitally idiotic when he finally reached the asylum had had at least four previous convictions for housebreaking,

48. M. Finnane, Insanity and the Insane in Post-Famine Ireland, (1981), pp.87, 90-93

49. Ibid. pp.104, 121

50. Walker & McCabe, (1973) *op cit* p.59 and note 71 below.

theft and vagrancy (case 136). But at Stratford-on-Avon in 1873 an arsonist who 'had always been looked on as a man of weak intellect' was taken into custody by a policeman 'who did not know him and supposed from his manner that he was drunk'. The implication is that if the policeman had known him he would not have been charged with the offence of attempting to set fire to a hay rick (case 071). A man who had been well-known to the Leamington police for the previous three years as 'a very eccentric character walking about the streets in a vacant and sometimes excited state', was committed to the prison for 14 days for striking the workhouse schoolmaster (case 029). It seems likely that police discretion in such cases varied from place to place and according to the individual case. The records of the Birmingham Borough Asylum permitted some estimation of the relative frequency of referrals to the asylum by the police, compared to the number of patients admitted via the prison. Between 1852 and 1877, the period for which records were available, Birmingham's force appears to have been moderately active in initiating certification; 102 criminal lunatics were sent to the asylum from the borough prison and a further 64 lunatic admissions were admitted directly from the police lockups.⁵¹ This record may not have been typical, however; in 1883 the Metropolitan Police were reported to have been charging with offences persons known to be of unsound mind and committed to prison by enlightened London magistrates for observation, simply 'in order to make the proceedings regular from the police point of view'.⁵²

51. More research on the police diagnosis of insanity would be useful. In 1860 the police were reported to have been showing greater vigilance in providing for the safekeeping of lunatics; Judicial Statistics for 1860. P.P.1861, vol.60(2860). p.477. Figures taken from Birmingham Asylum Registers of Admissions.

52. E. Du Cane, 'Memorandum on Insanity in Local Prisons', Report of the Departmental Committee on Prisons, P.P.1895, vol.56. App.VII, pp.589-90; Walker and McCabe, (1973) *op cit* p.51

Once a mentally disordered offender had been brought up on a charge, the magistrates in petty sessions faced considerable difficulties in the question of disposal. They had to make an immediate decision whether to commit to prison or to take other action, but had no facilities available, such as a pre-sentence medical report, to help them. That magisterial reluctance to reach a quasi-medical decision was part of the problem is indicated by the initiative outlined above taken by some London magistrates in the 1880's, in remanding offenders to prison for observation. The prisons undoubtedly had facilities for the temporary containment and observation of the insane, and the Home Secretary believed that magistrates were sending insane offenders to prison because 'the opportunities for observation enjoyed by the prison doctor will result in a more satisfactory decision with respect to the disposal of the patient than their own hasty diagnosis'.⁵³

Even at this time, magisterial and Home Office policy was still swayed by the violent image of the criminally insane. In the interests of supposedly threatened public safety the Home Office was prepared to tolerate the sending of lunatics temporarily to prison. If lunatics were dangerous and apt to commit crimes, then the best place for them, as far as the Home Secretary was concerned, was not a county asylum, but Broadmoor, and if one way of getting them thus 'comfortably stowed away' was by committal to prison, there seemed nothing wrong with the magistrates' policy.⁵⁴

On the whole it seems likely that the magistracy was happy with its restricted options in dealing with mentally disordered petty offenders. Radzinowicz and Hood have discussed the Victorian magistracy's deep-seated faith in 'just proportions' in sentencing policy and their

53. PRO, H045/9955/V10698.

54. Ibid.

'revulsion to long sentences, out of proportion to the gravity of the crime, whatever the offender's past record or future prognosis'.⁵⁵ To sentence an offender to detention in an asylum rather than a prison amounted to handing out an indeterminate sentence. In the analogous case of the campaign for the detention of habitual drunkards in inebriate reformatories, similar opposition was shown to such extension of sentencing power.⁵⁶ The Home Office explicitly gave its blessing to magisterial policy when in 1875 the Home Secretary stressed his unwillingness to extend detention to an ambiguous class between criminals and lunatics;⁵⁷ disordered offenders fell into this category as surely as did habitual drunkards. No doubt petty offenders and their relations were happy to comply with such sentiments. Non-capital offenders with psychological problems would be locked up for shorter terms if found criminal than if found lunatic, so offenders may well have preferred to hide their mental problems from the courts if they had committed minor offences, and on at least one occasion a defendant was advised to do so by the judge.⁵⁸ It seems that the stigma of lunacy was so great that 'incarceration in one of the criminal lunatic asylums would be a worse fate socially than mere committal to prison for an ordinary theft'.⁵⁹ In a similar vein, some writers have argued that the Victorians' sensibility to wrongful confinement in lunatic asylums was so pronounced

55. L. Radzinowicz and R. Hood, 'Judicial Discretion and Sentencing Standards: Victorian Attempts to Solve a Perennial Problem', University of Pennsylvania Law Review, vol 127 (1979), pp.1,327.

56. R. M. MacLeod, 'The Edge of Hope: Social Policy and Chronic Alcoholism 1870-1900', J. Hist. Med. (1967), pp.236-9 .

57. *Ibid.*, p.223.

58. J. C. Bucknill, J. Mental Science, vol 8 (1862), p.263.

59. J.M. Granville (Ed.) Dr. Wynter's Borderlands of Insanity (1877), p.58.

in the 1870's and 1880's that it deterred doctors from certifying ordinary lunatics, so that many were left at large and fell foul of the law.⁶⁰ This seems unlikely, however. Fears of wrongful confinement were most heightened in cases involving propertied lunatics; not the poor and destitute who furnished the majority of criminal lunatics and prison inmates.⁶¹ It is hardly likely that such would-be pauper lunatics were wandering at large because some doctor had been afraid of accusations of wrongful confinement for ulterior motives.

Although it is clear that the belief in 'just proportions' was an important part of magisterial policy with regard to the less spectacularly mentally disordered offender, there are some indications that the magistrates were not blameless in their neglect of the mentally disordered. Justices knew that certifying lunatics was a time-consuming and costly business; a great deal of clerical work was involved in making out the certificates and the doctors' fees had to be paid. Besides this it was necessary to find out the settlement of the lunatic so that an order could be made for his maintenance.⁶² In 1864 the Governor of Stafford prison told the Lunacy Commissioners that the gaol authorities were of the opinion that

60. Walker and McCabe, (1973) *op. cit.* p.52; Dr. R. M. Gover, Medical Inspector of Prisons, thought the increasing number of insane prisoners was partly due to the reluctance of doctors to certify people as insane: **Prison Commission, 12th Report, 1889, Appx. 12. p.38**

61. P. McCandless, 'Liberty and Lunacy: The Victorians and wrongful confinement', *J. of Social History*, vol.11(1978), p.369.

62. It is difficult to discover exactly how expensive it was to certify and determine the settlement of ordinary lunatics. Two cases in the Leamington Courier in February 1860 give some indications: to get an order for admission in each case, and to remove the lunatics to nearby Warwick asylum cost £1.12s.10½d and £1.11s.10d (compared with the weekly maintenance cost of lunatics at Warwick asylum of about eight shillings per inmate). In 1881 the cost of obtaining an order of settlement was around £7, while the cost of a medical certificate and removal was £3: Report of the Commission on Criminal Lunacy, (1882) *op cit.* pp. 170-171

insane persons and idiots were frequently committed to prison in order to get rid of the responsibility and trouble of sending such persons to the lunatic asylum, particularly if there was any difficulty as to settlement - as there often was in the case of the mentally disordered picked up by the police as vagrant.⁶³ After 1877 there was even more incentive to commit to prison if the label of lunatic could thereby be altogether avoided, as the Prison Commission paid for the maintenance of prisoners in gaol, but not for the cost or maintenance of any subsequent transfer to an asylum. The Prison Commissioners, indeed, soon became convinced that magistrates' interest lay in convenience rather than in the correct treatment of the insane. The campaign which asylum superintendents and visiting committees resumed after 1877, to have criminal lunatics removed out of the county asylums, only confirmed their suspicions.⁶⁴

VII

It was, in fact, largely these suspicions about the magistracy's motives that sparked off the changes in the treatment of mentally disordered offenders which finally began to be made in the last two decades of the century. The process by which change was brought about was not the result of any revolution in ideas nor a sudden drive to legislate for the control of the marginally insane, but rather a combination of circumstances which enabled the prison medical service to get its view accepted over the claims of other interest groups. The first moves in the story came, however, from the asylum superintendents, whose hopes of getting rid of danger-

63. L.C., 18th Report, 1864, p.84

64. PRO,HO 45/71439/60.

ous patients had been unfulfilled by the opening of Broadmoor. Encouraged by the government takeover of the local prisons in 1877, they began again to campaign for the establishment of state asylums for lunatic criminals, this time with the novel idea of using recently discontinued prisons as ready-made secure asylums. In the summer of 1879 a petition signed by representatives of 37 public asylums was sent to both Houses of Parliament and the subject taken up by sympathetic M.P.s. Although suspicious that part of their motive was to 'transfer the charge from the local authority to the State', Home Secretary Cross was convinced that a full enquiry would be justified.⁶⁵

The Departmental Commission on Criminal Lunacy, which sat from 1880-81 was set up as a direct response to the lobbying by the magistracy and by asylum doctors, and included representatives of both the asylum and prison interests.⁶⁶ A great deal of evidence was heard on the hoary topic of associating criminals with ordinary lunatics, as well as discussion of the new question of the segregation of the 'imbecile' or 'weakminded' habitual offender. The magnitude of the latter category of offenders, as revealed by some of the evidence, led the Commissioners to set aside the issue of the weakminded for some more specific enquiry. Remarking that both criminal lunatics and lunatics were drawn from the 'lowest and worst classes in the community', the Commissioners concluded that special segregation of the mentally disordered offender from ordinary lunatics was already adequate. The 1884 Criminal Lunatics Act, which followed the investigation, therefore dealt mainly with the consolidation of the law and

65. PRO, HO 45/71439/60.

66. E.g., Sir Edmund Du Cane, Chairman of the Prison Commissioners; William Guy, Medical Inspector of Prisons; Dr. A. Mitchell one of the Scottish Lunacy Commissioners.

financial questions to do with the old category of criminal lunatics.⁶⁷

Earlier studies have largely dismissed the Act because of this,⁶⁸ yet its provisions had unforeseen effects on magisterial practice, which, in turn, acted as a catalyst for further action on the part of the Home Office. In an attempt, at last, to simplify the process of removal of insane prisoners from gaol, the Act provided that any prisoners who had been certified insane but not yet removed by a Home Secretary's warrant to an asylum, could be detained as lunatics on the expiry of their sentence, merely by an order signed by a justice of the peace. Now, in cases where it was possible to charge a lunatic with some offence, it was obviously easier for the magistrates to send certifiable offenders through the prison to the asylum, rather than using the facility granted to them in 1879 of dismissing charges and initiating ordinary certification procedures. The whole process of declaring such an offender insane could be avoided by using section seven of the New Act to issue a justices' order for detention, at the end of a short prison sentence, or leaving it to the prison authorities to pay for certification as a criminal lunatic proper. One of the Warwick cases demonstrates clearly the way the new Act was misused. A youth who had been epileptic for some years and boarded out in Warwick became unmanageable, threatened to kill children in the neighbourhood and tried to jump the River Avon. He was sentenced to 14 days hard labour for assault, and when received at the gaol was described as not able to give a rational account of himself, as having a childish vacant expression, and as being generally debilitated.

67. Report of the Commission on Criminal Lunacy, (1882) *op cit.* Appx. B (1) p. 163

68. Walker and McCabe, (1973) *op cit.* p. 22

At the end of his sentence he was removed under a justices' order to the asylum where he remained for the rest of his life (case 138).

Evidently such misuse of the Act was widespread. In 1888 the Medical Inspector of Prisons, Dr. Gover, found that the number of prisoners who were insane on reception into local prisons had been increasing from a maximum of 11.9 per thousand in the period before 1882, to 18.4 per thousand in 1884-5. A fierce correspondence ensued between the Prison Commission and the Home Department. Home Office officials preferred to believe that the increase was not a direct result of the Act, but merely the heightened sensitivity of the prison medical service to the problem, and countered that the increase had dated from well before 1884. To a suggestion that the justices needed reminding that they could send insane offenders straight to asylums, the Home Secretary replied that he could 'hardly think that the Justices have abstained from exercising their power of dismissal with a view that prisoners should be made criminal lunatics and the expense thrown on the prison vote'.⁶⁹ The Prison Commissioners were determined, however, to use the increase in insane offenders to persuade the Home Office that the magistrates were taking advantage of the new financial arrangements. They became more specific in their representations, Du Cane insistently pointing out that the magistrates had every inducement to send such persons to prison 'because it saves them the trouble and responsibility which attends declaring them lunatics as well as the expense of their maintenance'. Even more condemning was Dr. Gover's remark that since 1884 magistrates' clerks had actually been advising them to send lunatic offenders to prison so that they

69. PRO,HO45/9955/V10698/1 and 2.

could be dealt with as criminal lunatics, merely in order to save themselves the clerical work involved in certifying them as ordinary lunatics.⁷⁰ In the face of such assertions the Home Office could procrastinate no longer. In November 1889 a circular was issued reminding magistrates that in the case of less serious offences it was open to them to dismiss the charge and deal with the prisoner as an ordinary lunatic, emphasising that it was 'unjustifiable that persons of suspected insanity should be sentenced to imprisonment in order that the prison may be used as a place of observation'.⁷¹

That the Home Secretary had been forced to serve such an instruction, marks an important break with traditional policy. For the first time it was officially stated that in the case of less serious offenders, the primary issue was one of appropriate disposal in the interests of offenders themselves, regardless of their legal responsibility under the law for their crimes. Here the evidence from Home Office files does not entirely accord with Walker and McCabe's suggestion that this about-face 'took place ... under the pressure of circumstances, and in particular the increasing numbers of disordered offenders who were indiscriminately pumped into the prison system since the middle of the nineteenth century by that more or less new creation, the magistrates' court'.⁷² The Criminal Justice Act of 1855 gave magistrates the power to deal summarily with large numbers of cases. Yet it took almost a further 30 years of representations to the Home Office by the Lunacy and later the Prison Commissioners to bring about some change in official policy over the arbitrary ways in which disordered offenders were sent to prisons or asylums. The Home Office persisted

70. PRO.HO 45/9955/V10698/1 and 2; Dr. Gover's point is referred to in Du Cane, 'Memo on Insanity in Local Prisons', Appx.VII, Departmental Ctee. on Prisons, (1895) op cit. p. 690.

71. Printed in Prison Commission, 13th Report, 1890 Appx.24 p. 167

72. Walker and McCabe, (1973) op cit. p.238

in upholding the validity of the magistrates' discretion throughout these years, giving way only when the evidence provided by loopholes in the 1884 Act made it all too obvious that such discretion might be concerned as much to save time and expense as with the appropriate treatment of lunatic offenders.

VIII

What was happening during this time was a gradual growth of knowledge about disordered offenders and the supplanting of the traditional stereotype of the violent criminal madman, by that of the weakminded habitual offender as an administrative priority. In 1889 the prison authorities were able to force some admission of this viewpoint from the Home Office, yet in practice there was little long-term effect on the supposedly crucial factor of the numbers of insane committed to prisons. In Warwickshire, the number of patients admitted to Warwick prison as convicted criminals, increased after 1889: 1878-81, 13 cases; 1882-85, 9 cases; 1886-89, 10 cases; 1890-93, 23 cases; 1894-97, 23 cases. (Cases certified as insane while awaiting trial, or by special verdict at the trial, were omitted from these calculations.) In 1893 the Home Office Medical Inspector observed that 'the number of lunatics proportionately to [prison] population was larger than that of any year on record'.⁷³ In the absence of more concrete action than the 1889 reminder, the prisons were by now making their own provision for the weakminded offender and in the 1890's Parkhurst was designated as the prison for all weakminded men whose sentences were long enough to make transfer worthwhile.⁷⁴

73. Prison Commission, 16th Report, 1893-4 p. 6

74. Walker and McCabe, (1973) p.42; Arrangements for the care of weak-minded prisoners with sentences of over two months in selected prisons had been in existence since 1884: Prison Commission, 8th Report, 1884 p.14.

The case of criminal lunacy presents something of a paradox for interpretations of social policy which stress the role of institutionalisation in the Victorian era to control marginal sectors of the population. What asylum doctors wanted for criminal lunatics was official recognition that they represented a distinct category of inmate, and their removal from ordinary lunatic asylums. Yet in this case the process of segregation which had helped to remove some of the insane from the workhouse into the asylum, did not operate.⁷⁵ Although the doctors' case was poorly presented, resting fundamentally on an inappropriate stereotype of the criminal lunatic as a violent maniac, what was really at issue was the extent to which indeterminate detention should be applied. The most effective and determined opposition to broadening the scope of indeterminate incarceration came from the local magistracy. For reasons of purse as well as of principle, magistrates were content to operate a system in which harmless and tractable disordered offenders were sentenced to short prison sentences, rather than certified insane.

An additional consideration, moreover, was that the criteria which operated for a finding of insanity in the courts, were far more strict than those necessary for the certification of an ordinary lunatic. Many of the cases coming before the local justices were described as 'weakminded'; marginally certifiable but not so disordered as to satisfy the McNaghten Rules. It was this category of 'feeble-mindedness' that was accorded the status of a separate deviant group by the Mental Deficiency Act of 1913, which included provisions for the transfer of mental defectives to new institutions direct from the courts. The debate about the problem of feeble-mindedness took place alongside the issue of criminal lunacy and is the subject of the following Chapter.

75. A. Scull, 'Madness and Segregative Control' (1977) *op cit.* pp. 337-8, in which Scull develops his thesis about the increasing differentiation of deviant groups.

CHAPTER EIGHT: THE WEAK-MINDED INMATE: A SUITABLE CASE FOR SPECIAL TREATMENT ?

I

'On the sixth September 1871, a young labourer called Alfred was admitted to the Warwick County Lunatic Asylum as a criminal lunatic. He had been in Warwick prison for three weeks serving a one-month sentence for vagrancy. He had been born around 1850 in Birmingham and as a boy had been committed for some small offence to a reformatory, where, it was reported, they were never able to teach him very much. He could neither read nor write. Alfred's father was a bill-sticker but Alfred himself had no regular trade or employment, making his living by doing odd jobs and begging at public houses. In June, 1871 he had served 14 days imprisonment in Birmingham, probably also for vagrancy. While in Warwick prison Alfred threw his comb and brush down the lavatory, put his sheets into a bucket of water and refused to go to chapel, being violent to the warden. This behaviour prompted his removal to the asylum where he was reported to be of low intellect and of imbecile appearance. He could only answer the most ordinary of questions, knew part of the multiplication table, but could not say how many pence in a shilling. He spoke in a childish manner through his nose and teeth. In the asylum he never repeated the impetuous behaviour which had got him there, but proved quiet and well-behaved, willing to work and very useful in the ward. Yet he was never considered well enough to leave and remained in the institution until his death many years later.'

[WCLA casebooks. Criminal Lunatic Case No. 062]

The case of Alfred is typical of the kind of inmate who came to be termed 'feeble-minded'. Retrospective judgement on the case would be difficult, but it is clear that the authorities at the time considered him to be mentally retarded rather than mentally ill. Among the 146 criminal lunatic cases admitted to the Warwick asylum between 1852 and 1890 there were altogether thirty-four people described as weak-minded, imbecile or of feeble intellect besides those described simply as 'lunatics' or 'idiots'. Yet although in some instances mentally handicapped persons were certifiable and to be found in lunatic asylums, many of this group were not so seriously disordered as to warrant the label of lunacy. Children might be cared for by their families but mentally handicapped adults often had no alternative but to subsist from casual work, vagrancy and petty crime and

were sporadic entrants of workhouses and prisons, where they were mixed with the ordinary inmates.

This Chapter examines the treatment of this group in the nineteenth century in the light of Scull's thesis that, once in motion, the institution system tended to create greater refinements of the categories of deviance and more specialisation in the types of incarceration available.¹ Within the institutional setting of the 1860's and 1870's a perception of the mentally handicapped as a distinct social problem was developed. By the 1880's demands for the segregation of the mentally handicapped from other institutionalised groups had reached such a pitch that the subject formed a major part of the same Home Office Inquiry that in 1881 considered the question of criminal lunacy. So some preconditions for greater segregation and control were present. Yet the national debate produced no legislative outcome in the last decades of the century. Locally in Warwickshire two institutions for the mentally retarded were established in the 1870's, one private and the other attached to the pauper lunatic asylum, while similar innovations were made in other counties. Yet these kinds of provision never really came to grips with the problem of feeble-mindedness as it was perceived by the prison and asylum doctors. When the Royal Commission on the Care and Control of the Feeble-minded carried out its investigations from 1904 to 1908 it found the mentally handicapped scattered under the care of a number of institutional regimes; in workhouses, prisons, asylums, inebriate homes, refuges and a few specialised establishments. The definition of mental handicap as a distinct category of 'deviance' had produced very little segregation during the Victorian era. The sections

1. A. Scull, 'Madness and Segregative Control' (1977) op cit.

which follow examine firstly the origins and outcome of the national debate in the proceedings at the 1881 inquiry on criminal lunacy. Secondly we examine the care of the feeble-minded at the level of the local county institutions, throughout the period in which awareness was growing of mental handicap as a separate problem. How the problem was perceived and dealt with at this level sheds much light on the question of why the national debate failed in the 1880's to produce more effective segregation and control of the mentally handicapped.

Before proceeding further, however, it is necessary to say something about the terminology of mental handicap in the late-Victorian period. Lack of precision in the words used to describe this group presents a major problem in any attempt to assess what proportion of the certified insane were mentally retarded rather than mentally ill, or to ascertain how readily different categories of mental defect were certified. The terminology used to describe mental defect shifted over the course of the nineteenth century, the earliest distinctions being made between complete idiocy and less severe forms of handicap. According to Alexander Morison in 1824, idiocy affected all the faculties but 'imbecility of one or several of the faculties' could occur in many different degrees of severity.² How medical writers and practitioners referred to these different gradations of imbecility is more difficult to establish. In 1866 Dr. J. L. Down classified the 'feeble-minded' by arranging them around various ethnic standards, isolating 'malaysian' and 'negroid' idiots as well as the 'Mongolian' for which he is better-known.³ Ten years later

2. A. Morison, Outlines of Mental Diseases
(Edinburgh 1824) pp.102-9.

3. For a discussion of Down's classificatory system see S. J. Gould.
'Dr. Down's Syndrome' New Scientist, June 12 1980 p.251

the term feeble-minded was used to refer to 'improvable idiots' who could be taught to take care of their physical needs and learn simple tasks.⁴ Another label which seems to have been interchangeable with 'feeble-minded' at this time, and which seems to have been more commonly used was 'weak-minded' which could be applied to the highest grades of mental deficiency. Although it was occasionally used as a descriptive term which included those 'who fell into a weak mind as a consequence of mania' as well as congenital cases, its more common usage was as a category of congenital defect.⁵ There was indeed considerable debate among medical writers as to the correct usage of the terminology, particularly over the distinction between imbecility and weak-mindedness. In Morison's early classification, imbecility is used to describe a condition of mental defect which could be either congenital or acquired. It seems to have retained this usage until the 1870's when it began to be restricted to congenital cases only, the term 'demented' being substituted for mental weakness caused by disease. The classificatory system generally employed by the medical profession during the last quarter of the century was a threefold one with idiots at the lowest end of the ability range, followed by imbeciles and finally the 'weak-minded' at the end of the range nearest normality.⁶ The usage of 'weak-

4. H. G. Simmons, 'Explaining Social Policy: The English Mental Deficiency Act of 1913'. Journal of Social History vol 11 1978
Simmons claims this was the first use of the term feeble-minded, in a motion put to the Charity Organisation Society by Sir Charles Trevelyan in 1876.

5. e.g. Report of the Commission on Criminal Lunacy (hereafter C.L.C.) PP 1882 vol XXXII (841) Evidence of Dr. Sibbald. q.1759, and Dr. Orange q.454-517.

6. Ibid, Dr. Orange's evidence, q.453-454.
D. H. Tuke, (1882) op. cit. p.300.

mind' in this chapter is based on its meaning for the prison doctors of the 1890's; ' ... including many varying types and degrees of mental weakness or disorder, yet all being persons of impaired or imperfect responsibility ... not capable of being certified as insane.'⁷

II

The perception of the 'weakminded' as habitual criminals in need of greater control

The demands for the segregation and control of the mentally handicapped which were a major topic of discussion at the 1881 Inquiry into Criminal Lunacy had come predominantly from the prison medical service. Disordered offenders who were mentally handicapped rather than mentally ill were mostly left out of the haphazard and piecemeal developments that improved the segregation of the insane and seriously retarded from other prisoners during the latter half of the century. Most 'weak-minded' persons remained imprisonable whenever they came into contact with the criminal law and were outside the reaches of the Lunacy Commissioners. They became ultimately the responsibility of the prison surgeon who had to ensure that prisoners were fit for prison discipline, (in other words, solitary confinement) and who was able to order any relaxation in prison conditions for particular cases, that he thought necessary. Two prison doctors particularly interested in the subject of the weakminded offender were James Bruce Thomson of Perth General Prison and William Guy, who was Medical Superintendent of Millbank Prison from 1859 to 1866. Both were busy in the 1860's gathering data on mentally disordered prisoners who passed through their prisons. Thomson estimated, in his paper on the hereditary nature of crime

7. W. Norwood-East, Medical Aspects of Crime

(1936) p.133

published in 1870, that some twelve per cent of the inmates of Scottish prisons, exclusive of those sent to asylums as lunatics, were 'mentally weak in different degrees ... apparently from congenial causes' based on the number of cases placed on his registers for treatment on account of their mental condition.⁸ Thomson's paper was widely read and of considerable influence.

More important, however, in the story of the weakminded prisoner, was the work of William Guy, who can be said to have mounted a personal crusade against the mentally retarded from the 1860's onwards. When he became Medical Superintendent of Millbank Prison in 1859, Guy was already well-known in the field of medical statistics, having given evidence before the Health of Towns Commission and written numerous papers on questions of sanitary reform, the health of bakers and soldiers and hospital mortality.⁹ A leading light in the Statistical Society, Guy turned his attention to examining the health and mortality of convicts. In 1862 he published the results of a detailed census of the 7,170 inmates of the convict prisons, which included among other details, a cross-tabulation of the convicts' bodily and mental condition with their offences. He found that the weakminded, insane and epileptic men and women predominated disproportionately in crimes of arson and to a lesser extent in crimes accompanied by violence and sexual offences. Together with this result Guy found that 16.86% of the weakminded convicts had been convicted of crimes of burglary and house-breaking, almost as many as among healthy

8. J.B. Thomson, 'The Hereditary Nature of Crime' (1870) *op cit.*

9. Dictionary of National Biography p.835. William Augustus Guy 1810-1885, statistician, Editor of Jnl. Statistical Society, 1852/56 and President 1873-5.

convicts; 18.75%. From this Guy concluded that 'the able-bodied and intelligent housebreaker seeks the assistance of weakminded men and women in his nefarious enterprises', and it was perhaps this which first impressed upon him the 'danger of allowing persons of the imbecile class to remain at large'.¹⁰ Millbank Prison was at that time the observation centre for all convicts suspected to be of weak or unsound mind so it is no surprise that Guy became absorbed in the question of the incidence of insanity among criminals. In 1869 he carried out a statistical exercise to compare the degree of insanity among convicts with that among paupers in workhouses and with the population at large.¹¹

Guy estimated insanity among the general population to occur in the ratio of about 1.67 per thousand, a very much lower figure than the 57 per thousand which he estimated to be the rate of insanity among convicts. Such wide margins must indicate, Guy maintained, that the convict population was much more liable to insanity than the general population, whatever the qualifications of his statistical methods.

10. W. Guy, Results of Censuses of the Population of Convict prisons (1875) op cit. pp. 14, 29;

idem, 'On Insanity & Crime' (1869) op cit p.172 in which he refers to cases of his own observation of the corruption of the weak-minded by criminals.

11. His description of the 'pauper community' is worth quoting, for it provides an insight into his bias in regard to social disadvantage. The 'class of paupers' Guy believed to be 'a morass which holds the stagnant waters from running streams, made up of the children of vice or misfortune; of the able-bodied adults who cannot find work or will not exert themselves to obtain it; of all the sick from all classes of society who have failed, or refused to make any provision for the future; and of aged persons, the worn out culprits of society mixed with a few victims of misfortune. This strange community naturally attracts to itself the idiot, the imbecile and the lunatic, among the class of paupers then we may expect to find insanity in all its forms at a maximum; and it cannot but prove instructive to compare this exceptional class with the convict population.'

W. Guy, 'On Insanity and Crime' (1869) p.168

What particularly worried Dr. Guy though, was not so much the insane convicts, but the dark figure of criminal weakmindedness that existed among the general population, which he reckoned at ten times the number of insane in prison. This dark figure was made up particularly of the weakminded and epileptic, who spent their lives roaming about the country, known as 'half-sharps' and 'dozeys', living by doles in the day-time, using the casual wards of the union as sleeping places 'at their pleasure', and committing or taking part in, the worst offences against the law. Guy's solution to the problem of these roaming criminal imbeciles was to round them up and certify them as insane, increasing the number and size of lunatic asylums to cope with all these extra cases. Thus the lunatic asylum would become the substitute for the workhouse, the hospital and the prison.¹²

At this time Guy's solution was not well-elaborated and was indeed framed more as a suggestion than a concrete proposal. In much the same way, Dr. Thomson in the following year suggested that transportation and long sentences of habitual offenders might lessen the numbers of hereditary offenders.¹³ These prison doctors' concern with weakmindedness might have passed un-noticed as mere statistical forays had it not been for the dilemma of penal theory in the 1860's. The optimism that had accompanied the adoption of the separate system in the 1840's, barely survived beyond the 1850's. Within a decade of the adoption of the new system it became clear that the model prisons were not reforming criminals. The chaplain of Warwick New Prison, for example, commented sadly at the end of 1861 that the discipline of the new prison had failed to diminish the number of prisoners:

12. *ibid.* pp.167 & 187. Guy estimated that around 160 per thousand of paupers aged between 20 and 45, were insane, around three times the proportion among convicts.

13. J.&Thomson, (1870) *op cit.* pp. 9,14.

'instances have already occurred where parties have returned two or three times.'¹⁴ The demise of transportation meant that such failure had to be viewed seriously. In 1863 a Royal Commission investigated the operation of the penal servitude and transportation acts and a Select Committee reported on the state of discipline in the local gaols. Both recommended the implementation of stronger measures. With the added incentive of the garotting panic of 1862, imprisonment was given an explicitly deterrent slant by the 1865 Prison Act.¹⁵ Yet even deterrence seemed to lack the power to curb crime. Penal writers and the annual reports of the police and prison departments persistently confirmed that offenders were returning to prison again and again, seemingly undeterred by the harsh conditions, from leading a criminal life. Incurable offenders were legion, particularly in the case of petty offences where sentences were short enough to allow criminals to accumulate a string of committals. In this atmosphere of defeat the suggestion that such offenders were, by their very nature irreclaimable, must have seemed an attractive proposition for despairing penologists.

Both Thomson and Guy were adamant that the weakminded were recidivists and vice-versa. Thomson singled out as of low mental ability and similar physical appearance, the 'habitués who go out and into prison now and then, who live by crime and have been born in crime'.¹⁶ Part of the link between the weakminded and recidivism was a real one. Some of the most frequently convicted local prison inmates were the alcoholics, often diagnosed by prison doctors as of weak mental capacity. Similarly intinerants, another frequently reconvicted class,

14. WCRO. Chaplain's Report to Quarter Sessions, Michelmas 1861.(QS2)

15. For further discussions of this decline in optimism and the onset of deterrence see: M. Ignatieff, (1978) op cit pp.200-204; J. Davis, 'The London Garotting Panic of 1862' in V.A.C.Gattrell, B. Lenman and G. Parker, Crime and the Law: a social history of Crime in Western Europe since 1500. (1980) pp.193-197, 209.

16. J.B.Thomson (1870) op cit. p.3; W.A.Guy, (1869) op cit. p.167

were often vagrant due to their inability to obtain employment or a permanent home because of their simple-mindedness. John Brenten's tales of 'Waffling Will' and 'Wandering Geordie' demonstrate how the vagrant life had been a traditional one for the mentally retarded. Both stories, however, written in the early 1860's, stress the dangers which might follow from allowing such 'poor imbeciles' to remain at large, and are indicative of the more sinister image being taken on by the mentally deficient.¹⁷

By the late 1860's habitual offenders were beginning to be described in medical and biological terms. At the Exeter meeting of the British Association in 1869 Dr. Wilson read a paper entitled 'The moral imbecility of habitual criminals as exemplified by cranial measurements'.¹⁸ Wilson had examined and measured the heads of around 460 prisoners and concluded that habitual criminals were cranially deficient. Further observations of the brain size of criminals were made by Dr. Campbell, who in the 1870's was the medical officer of Broadmoor Special Hospital. He concluded that the brains of the criminal class were smaller than those of ordinary adults.¹⁹ Such investigations of the mental capacity of criminals formed part of the growing scientific debate on the question of progressive degeneration, carried on with renewed vigour in the general mood of psychiatric pessimism that had built-up by the 1870's. The 'psychiatric' theory of progressive degeneration had first been elaborated in 1857, when Morel outlined a four-stage transmission of inherited defects leading

17. J. H. Brenten, The Tragedy of Life (1861) pp.137,128, 213.

18. Referred to in: W. Tallack, Humanity & Humanitarianism (1871) p.18.

19. E. Du. Cane, 'Address on the Repression of Crime', (1875) op.cit. p.305

eventually to idiocy and insanity.²⁰ However, the psychiatric writer most responsible for the revival of degeneracy theory in the 1870's and its application to the debate over the habitual criminal was Henry Maudsley. Maudsley was impressed by the findings of the prison doctors that a large proportion of criminals were weakminded or displayed other mental 'illnesses' such as epilepsy.²¹ He used these findings to support his own argument that mental illness was largely inherited and that a tendency to insanity could not be controlled by the will of the individual. Thus in persons who inherited a constitutional proclivity to insanity deterioration was inevitable, and one of the first faculties to suffer was always 'the moral sense'. Conscience was 'the highest most delicate function - the last acquired faculty in the progress of human evolution' and was thus the first to go when the brain became diseased. For Maudsley the existence of habitual criminals was proof of this 'tyranny of organisation'; 'they go criminal as the insane go mad, because they cannot help it'.²²

Maudsley's theory seemed all the more plausible in that it offered evolutionary explanations of moral and mental deficiency. Darwin's *Origin of Species* was published in 1859 and although comments on human evolution were limited in this work, the following years saw a growing acceptance of evolutionary theory and debate about its effect on human character and society. Thus social Darwinism was well underway by the time Darwin published his own thoughts on human evolution in '*Descent of Man*' in 1871.²³ By then it was generally

20. B. A. Morel, Traité des dégénérescences physiques, intellectuelles et morales de l'espèce humaine, et des causes qui produisent ces variétés malades. (Paris 1857)

21. H. Maudsley, Body and Mind (1870) op cit.

22. For a fuller discussion of Maudsley's ideas see V. Skultans, English Madness (1979) p.131-134. The phrases quoted here are from extracts from Maudsley's writings quoted in Skultans's book, Madness and Morals (1975): H. Maudsley, Responsibility in Mental Disease pp.62-4 (1874) [Skultans p.192]. Body & Mind pp.125-7 . [Skultans p.189].

23. G. Jones, Social Darwinism in English Thought. The Interaction between biological and social theory. (1990)

believed, as evinced in the work of Down and others, that human races could be graded on a developmental scale ranging from the 'primitive' at the lowest end to civilised Europeans as the highest point of development. It was common for the less successful or lower classes of these 'higher' races to be equated to earlier stages in man's evolution.²⁴ Criminals, the weakminded and paupers were seen in such schemes as atavistic throwbacks or arrests of development producing individuals at lower stages of human evolution among the higher races. Thus Maudsley pointed to the appearance of 'remarkable animal traits and instincts' in the insane and mentally deficient, and made scientific comparisons of the brains of idiots with those of apes and chimpanzees.²⁵ William Guy's successor at Millbank prison, Dr. Gover, was convinced that criminals and vagrants were examples 'of the race reverting to some inferior type from which ages of civilisation and culture have raised it.'²⁶

Implicit in Maudsley's theory was the idea of progressive degeneration through inherited defects of constitution:

'When the insane temperament has been developed in its most marked form, we must acknowledge that the hereditary predisposition has assumed the character of deterioration of race, and that the individual represents the beginning of a degeneracy, which, if not checked by favourable circumstances, will go on increasing from generation to generation and end finally in the extreme degeneracy of idiocy.' 27

Thus the mentally deficient and the criminal were linked in that they represented merely different points along the slippery slope towards idiocy. Studies of the family histories of persistent offenders were widely used to substantiate the theory. Thomson recounted stories

24. *ibid* p.147

25. Maudsley, Body & Mind (1870) *op cit* pp.43-47

26. E. Du Cane, (1875) *op cit* p.302

27. H. Maudsley, Responsibility in Mental Disease. (1874) pp.46-48

of criminal families to show how 'the lower forms of mental disease as silliness and imbecility' alternated in 'degenerate' families with idiocy, epilepsy, eccentricity and crime.²⁸ Even without the more well-known American studies of the Juke family, published in the mid-1870's, English theorists already had a long-established body of information to support their ideas.²⁹

That biology might explain habitual crime was seized on by prison administrators and criminologists perplexed at the failure of deterrent imprisonment. An important convert to this biologism was Sir Edmund DuCane, Chairman of the Directors of Convict Prisons and later to become head of the Prison Commissioners. By 1875 DuCane was convinced, from the writings of the prison doctors and supported by his own observations, that crime was to a great extent 'connected with mental inferiority of some kind' whether as cause and effect or as accompanying one another'.³⁰ From his own experience, DuCane claimed that physical stigmata denoted both habitual criminals and habitual vagrants and that aspects of the 'criminal character' resembled more closely the behaviour of primitives than that of civilised races. Such characteristics were 'wandering habits, utter laziness, absence of forethought or provision, want of moral sense,' and what he describes merely as 'dirt'. It was too much to expect that deterrence could reform the members of this 'separate caste' and DuCane tended to support Dr. Guy's opinion that the best solution was to remove

28. J. Thomson, *op cit* pp.9-12

29. e.g. **Inspectors of Prisons for Scotland**, 3rd Report, 1838, pp.129-30
 Rev. J. Clay, 'The Criminal Statistics of Preston Gaol'. cited in L.O. Pike, A History of Crime in England (1876) p.668.
 R. L. Dugdale, The Jukes. [First published as part of 30th Annual Report of the Prison Association of New York 1877]
 (Reprinted New York, 1975.)

30. E. Du Cane, (1875) *op cit*, pp 302-3.

such persons to custodial institutions. There they would at least be contained and prevented from leading their inevitably degrading lives at large and from propagating their kind.³¹

The new pessimism was evident in the proceedings of the Commission which investigated the workings of the Penal Servitude Acts in 1878. As one of the Commissioners, William Guy was particularly interested in arrangements within the convict prisons for the care of lunatics and the weakminded and how they might be improved. The Commissioners heard evidence on the treatment of weakminded men at Parkhurst prison. Dr. Roome, the prison's medical officer was questioned on his opinion about the existence of physical deformities among the weakminded, presumably on the assumption that this proved their constitutional degeneracy.^{32a} The most fruitful evidence, however, from Guy's point of view, was that given by William Hardman, the chairman of the Surrey Quarter Sessions who commented on the low physical and moral type of offender regularly appearing before him. When asked whether he had encountered 'what you would yourself suppose to be properly called imbeciles, from their extreme weakness of mind', Hardman was able to confirm the Committee's worst suspicions:

Sometimes we used to have them before us meeting after meeting at the House of Correction, and it was impossible to know what to do with them. It appeared to be impossible to produce any effect upon them either by punishment or persuasion.^(32b)

Hardman went on to explain that these people could not be classed as insane by the prison doctor and some had in fact been returned to the prison by the asylum authorities. He agreed that they ought to be detained in some institution but considered they were not imbecile

31. Public Record Office: HO45/71439

32a Penal Servitude Acts Commission, Report: PP 1878-79 XXXVII
q.5078, q.8000

32b *ibid.* q.12626-32.

enough to qualify for entry into an imbecile asylum, a few of which already existed abroad. Something between a workhouse and an asylum was necessary. Dr. Guy then pursued the question of how such offenders might legally be detained beyond the term of their sentence. As no precise definition of the 'criminal imbecile' could be drawn, Guy suggested the possibility of leaving it to the discretion of two medical men to declare any person who had been imprisoned to be an imbecile. Hardman pointed out, that although he himself thought this a good idea, there would be some public opposition to such extension of detention at medical discretion. 'There is a great deal of nonsense talked about the liberty of the subject in this country', he declared.³³ Hardman and others testified that the weakminded criminals were notorious for the repeated commission of petty thefts and other trivial offences, and the Commissioners concluded in their report that weakminded criminals formed a large proportion of the habitual criminal class. In view of the interference with the strict enforcement of prison discipline, which the presence of weakminded convicts entailed, the Commissioners recommended their complete separation from the other prisoners, in a separate wing of one of the convict prisons, under the supervision of specially selected warders.³⁴

By the end of the 1870's then, Dr. Guy's image of the 'habitually criminal imbecile' had received official endorsement. When the local prisons were brought under the control of the Prison Commission, opinions about weakminded convicts were naturally extended to the inmates of the county and borough prisons. The Commissioners became convinced that weakmindedness was a large part of the cause of

33. *ibid* q.12626-12632. and 12663-12674.

34. *ibid.* Report, p. 42

recidivism and cherished the hope that this was the reason for the apparent failure of deterrent punishment. Merely to devise ways of coping with such offenders while in prison was not enough for DuCane, who concurred with William Guy's proposals that what was needed was some special institutional provision for criminal imbeciles so that their recidivism could be prevented. Following the findings of the 1878 Commission, the prison department pursued its campaign to deal with weakminded criminals.

III

The Inquiry of 1881

In 1879 Dr. R. M. Gover, Guy's successor at Millbank prison, became Medical Inspector of Government Prisons and began to collect data concerning the number of weakminded offenders received into the local prisons each year. In his report, for the year 1878-79, he noted that among 277 cases of mental disorder were included many cases of partial imbecility and weakmindedness, as well as the cases of insanity who were certified and removed to asylums.³⁵ The following year's report contained a return of 541 cases of weakminded and imbecile prisoners received into the local prisons during the twelve months ended December 1879. Governors had been asked to give their opinion in the return, as to whether such offenders were frequently reconvicted. Although the return provided inconclusive evidence that the weakminded were habitual criminals, the Commissioners in their report chose to ignore this, pointing to the possibility that criminal tendencies were so closely connected with weakness of mind and other forms of mental incapacity, that they might not be eradicated by punishment. They suggested that means should be devised to

35. Prison Commission 2nd Report, 1878-79: Notes by the Medical Inspector, Appendix No. 24 p.84

ensure that proper care be taken of persons whose 'imbecility or low mental power has conduced to their becoming criminals and who for the same reason cannot be deterred by remembrance of past punishment from repeating their crimes and suffering the penalties.' Again the claim was made that the weakminded were used by other criminals to help them commit crimes and thus avoid detection themselves, emphasising the danger of neglecting the issue of the weak-minded offender.³⁶

What the Commissioners did not comment on was the wide discrepancy in the treatment of weakminded offenders that the investigation revealed. The Governor of Cardiff prison said that he rarely received them, the bench usually sending them to the workhouse, while at York the number was estimated to be as many as 100 cases. It is likely the return represented no real approximation to the truth. Strangeways in Manchester for example noted only six cases in the course of the year while Devizes, serving a less urban area claimed 16 cases. What was being reflected was probably the sensitivity of the prisons' surgeons and governors to the question of the 'criminal imbecile'. Most of the prisons who returned larger numbers of weakminded also recorded that they were frequently reconvicted, such as at Birmingham which returned forty-one cases and York, whose governor stated "Yes, the majority of 'habitual criminals' are". Wakefield Prison Governor returned thirty-eight cases and quoted his surgeon's opinion that the majority of this class were frequent offenders.³⁷

36. Prison Commission, 3rd Report, 1879-80 p.7

37. Ibid, Appendix No. 10. pp.28-30.

An opportunity to investigate the matter more fully came when the Lunacy Commissioners and asylum superintendents renewed their campaign to remove criminal lunatics from county asylums. The psychiatric lobby wanted separate institutions to be provided for offenders certified insane while serving sentences, who were the only offenders legally removable from prisons to county asylums. DuCane recommended that in order to do the question justice, a full inquiry by a commission was necessary, particularly since it presented an opportunity to examine the whole question of disordered offenders who were habitually criminal. In a letter to the Home Secretary, DuCane made it clear that his solution to this problem was long-term detention of such people.

'A very considerable proportion of our criminal population consists of people mentally affected or deficient in some way or another, and many of them are criminal because they are lunatic or imbecile. These persons commit crimes, sometimes grave, sometimes paltry, get sentenced to short or long periods, discharged and then begin again as a matter of course, and perhaps breed others like themselves to supply criminals for the next generation. Either they have no friends or their friends will not or cannot look after them. It would be to the interests of society if these people were confined and taken care of and it would not fail to be a benefit to them to be removed from a life passed either committing crime or suffering from having done so.'

The scene was thus set for an extension of institutional control to the mentally handicapped. The Departmental Committee which was set up in 1881 to enquire into the subject of criminal lunatics, thus included among its topics for consideration the question whether 'special provisions should be made for the care and custody of imbeciles who are habitually criminal?'

³⁹ Among the Committee members were DuCane and William Guy, representing the prison department, Dr. Mitchell, one of the Inspectors of the Scottish Board of Lunacy,

38. PRO HO45/ 71439 August 1879

39. C.L.C. Report, p.19

and a number of interested M.P.'s.⁴⁰

Much of the questioning of Guy and DuCane was aimed at collecting evidence to support the segregation of feeble-minded habitual criminals, but from the outset it became clear that the subject was a difficult one. How exactly to define this group was the first major obstacle. There was some confusion among the witnesses as to the exact meaning of the terms 'weak-minded' 'imbecile' and 'idiot'. Dr. Orange, the Medical Superintendent of Broadmoor, gave the clearest explanation: 'An idiot is a person who has the lowest capacity from birth ... those are people who are weak-minded but not imbecile.' Few of the witnesses were prepared to give any precise definition of weak-mindedness or imbecility, although most agreed with Dr. Orange that both were 'recognisable', to medical men or those with experience of the weak-minded and insane.⁴¹ Clearly, any identification and segregation of imbeciles and weak-minded would rely heavily on the discretion of medical men, who were already under public criticism for their subjective and sometimes even ridiculous criteria for the diagnosis of lunacy.⁴² That the condition of weak-mindedness was not clearly defineable but merely 'recognisable' led to a further problem for the Committee in estimating the number of cases that might have to be dealt with. None of the witnesses volunteered any estimates, but all simply agreed that there were 'many', in the prisons, workhouses and asylums.⁴³

40. The Chairman was Leonard H. Courtney (1832-1918), Professor of Political Economy at University College, London 1875-76. "He wrote for the Times and his pamphlets and magazine articles placed him among the ablest and most advanced doctrinaire Liberals." Dict. Nat. Biography.

41. C.L.C. 1757-59, q. 453-454, q. 567, q. 679-696.

42. P. McCandless, 'Insanity & Society: A study of the English Lunacy Reform Movement 1815-70' (PhD Thesis, Wisconsin, 1974) pp. 188-202

43. C.L.C. q. 553, q. 1226, q. 1824.

Dr. Guy, DuCane and W. G. Campbell, one of the Lunacy Commissioners, were the three committee members most concerned with the segregation of the criminal imbeciles. They pursued three lines of argument; firstly, that the weakminded were hard to manage in existing institutions because they were treacherous, unpredictable and dangerous; secondly, that their recidivism justified some greater degree of control than other offenders, as a measure to prevent further crimes ; and thirdly, that special imbecile asylums should be established so that criminal imbeciles would be separately incarcerated, 'in some safe place where they could work for their living'.⁴⁴ Implicit in this last argument was the assumption that segregation would prevent mentally deficient offenders from 'propagating their kind'.⁴⁵ Both prison doctors who gave evidence to the Commission agreed with these lines of questioning, although Dr. Orange pointed out that some new legislative procedure would be necessary to detain prisoners after the expiry of their sentences. F. Scott, Chairman of the Surrey Quarter Sessions and one of the Surrey Asylum Visitors, suggested that an institution should be set up at public expense for 'imbeciles' with criminal tendencies, whose maintenance expenses would be paid by counties or unions.⁴⁶

To support the position of the 'prison lobby', William Guy submitted a lengthy memorandum in August 1880, which amounted to something of a 'pièce de resistance' on his long-cherished scheme to institutionalise criminal imbeciles. Imbeciles were dangerous when at large, he claimed, and some precedent for their control already existed. Under the 1853

44. C.L.C. eg., Guy's questioning 1763-66, 820, 535; Campbell's question 1768; and DuCane's questions 679-696, 837-53, 1900-29

45. C.L.C. q.1032

46. C.L.C. Dr. Orange q.679-696; Dr. Gover q.837; Francis Scott q.1929.

Lunacy Act local officials and medical officers were obliged to give notice to a magistrate of any person wandering at large and deemed to be a lunatic, and it was chiefly imbeciles who fell into this category.⁴⁷ As to the numbers of imbeciles to be dealt with Guy was less clear. He proposed that immediate provision was required for the 231 imbeciles undergoing penal servitude in January 1880 and estimated that these would accrue by an extra forty cases per year, a rate of increase which would gradually diminish. Providing a special asylum for imbecile convicts was intended to be the first step in the ultimate incarceration and control of the whole of the mentally deficient likely to commit crimes, however, and Guy's estimates of their numbers ran into many thousands. He implied that they made up a significant proportion of the 108,000 persons known to the police in 1878 as thieves, vagrants, habitual drunkards and prostitutes, and that the majority of the 23,000 persons prosecuted for wilful damages each year, were imbeciles. Ultimately it was for these numbers of people that his scheme was intended.

The members of the committee were not solely drawn from the prison lobby, however. Opposition to the scheme came particularly from Dr. Mitchell, an advocate of a more community-based system of care for the mentally deficient. Since the 1860's Arthur Mitchell had been publicising care of the insane in the community as an alternative to the asylum system.⁴⁸ As Deputy Commissioner in Lunacy for Scotland, his ideas were largely based on the system applied by the Scottish Lunacy Commission by which mentally defective and other harmless

47. C.L.C. Appx. B. Memorandum 1 'The "insane" and the "imbecile" p.162.

48. A. Mitchell, The Insane in Private Dwellings (Edin.1864);
 idem. 'The Care and Treatment of the Insane Poor' J.M.S. (1868).13.
 pp.472-497.

lunatics were either subsidised to remain with their families, or boarded out to 'kindly guardians', who for remuneration, provided the imbecile with a home, food, care and clothing. The scheme had, in fact, been adopted partly because there had been little asylum accommodation available when the first Lunacy legislation for Scotland was enacted in 1858.⁴⁹ The tone of Arthur Mitchell's evidence to the enquiry was nevertheless anti-asylum and idealistic. He explained that when the Scotch Board of Lunacy was established, the Commissioners soon discovered that many of their prospective charges were mentally deficient people, 'living in great misery, often hungry, shelterless and nearly naked, getting their maintenance by begging and stealing, and often in trouble.' As few as possible of these 'wandering lunatics' were sent to asylums, but were instead boarded out with people who could give them, with help from the parish funds, a comfortable clean bed, good warm clothing and three meals a day. Under this treatment the 'fools' became more good-natured less irritable and mischievous and 'being dressed like ordinary people of the working class, the old village fools seemed at once to disappear from the villages without having really left them.'⁵⁰ This practice became an established part of Scottish care of the insane and a return of 1867 showed that over a quarter of Scotland's lunatic poor were cared for in this way.⁵¹

Two months after the submission of Dr. Guy's memorandum, Dr. Mitchell submitted an even more lengthy memo in criticism of the prison lobby's

49. P. McCandless, (1974) op cit (footnote 4) pp.558-9

50. C.L.C., A. Mitchell: 'Notes on the "Return of Lunatic, Imbecile or Weakminded Prisoners in Convict Prisons",'
Appx. A. 10. p.147.

51. P. McCandless, (1974) op cit pp.558-9

views. His first argument was that it would be wrong to create a new class of persons liable to incarceration. If the degree of mental defect was such as to necessitate care or detention then, Mitchell argued, this was already provided by the Lunacy Laws and the Poor Law. Mitchell was opposed to the detention of mentally disordered people by the prison department outside the control of the Lunacy Laws, and rejected broadening the category of lunacy. What he found even more disturbing was Guy's explicit insistence that such sequestration of the weakminded offender should be for life. Not even under the Lunacy Laws were people banished to an institution for life, at least in theory, if not in practise, and Mitchell was disturbed that only the opinion of two prison medical officers was suggested as the grounds for permanent detention.

Guy's scheme for dealing with imbecile criminals was, Mitchell claimed imperfectly drawn-up. The proposal was to deal only with the convict imbeciles for the present, but Mitchell argued that if imbeciles were the dangerous persons which Guy claimed them to be, then it would be unwise to delay on the question of the imbeciles in local prisons, of whom 541 had been imprisoned during 1879. Mitchell realised that the full unfolding of Guy's scheme would involve the segregation of far greater numbers of weakminded offenders, if it was to achieve any real measure of control of the hundreds of thousands of imbeciles who were supposed to contribute so much to the crime statistics. He argued that to institutionalise only 100,000 of these would cost something like nine million pounds and an annual expenditure of around two and a half million. The asylums proposed for the lifetime incarceration of the weakminded would be expensive and would require large grounds if the 'care' of the inmates was going

to be based on agricultural labour. Such home truths began to make the prison lobby's proposals seem almost ridiculous.

Perhaps Arthur Mitchell's most important criticism, however, was his challenge of Dr. Guy's characterisation of the imbecile. The stereotype of the criminal imbecile was based largely on the prison doctors' experiences of imbeciles in prison, who, Mitchell insisted, represented only a handful of the group of the weakminded as a whole and were quite different from those met with in other institutions and at large. Such people were all too often neglected to lead hard and miserable lives. Unable to earn a living, they frequently had little choice but to wander, beg and steal. Such habits did not indicate any instinctive desire to do so; 'they are not naturally restless thieving vagabonds'.

Against the experience of the prison doctors Mitchell substituted his own. As one of the Deputy Commissioners of the Scottish Lunacy Board, much of his time since 1858 had been spent visiting and reporting on adult imbeciles boarded out, 'at large', and also in asylums and prisons. He asserted that many of the cases in his experience were about as likely to commit crimes or become dangerous as he was himself.⁵² Mitchell cast doubt on the criminality of the weakminded, the accuracy of the prison medical officers' diagnoses of imbecility, and the claim that they were difficult and dangerous prisoners. Even the recidivism of the weakminded was disputed. Mitchell re-examined the return of weakminded prisoners in the local prisons for 1879, and discovered what the Prison Commission had chosen to ignore; that less than half of the governors reported that weakminded offenders were frequently re-convicted.⁵³

52. C.L.C. Appx B.Memo 2. pp164-167.

53. C.L.C. Appx.A Return No. 13 p.150.

Mitchell's case was strengthened by the inclusion among the witnesses of another Scottish advocate of community care, Dr. John Sibbald who, first as a Commissioner of the Scottish Poor Law Board of Control and later as Commissioner in Lunacy for Scotland, had been long connected with the scheme. Sibbald was opposed to the segregation of the weakminded, either from other asylum inmates, or from the community. He was unaware, he told the Committee, of any imbecile condition that could not be properly provided for either in a private dwelling or in an ordinary asylum.⁵⁴ Between them Sibbald and Mitchell succeeded in casting enough doubt on the criminal imbecile question to prevent the prison lobby from achieving anything from the Commission. The Commissioners as a body found it impossible to come to a firm conclusion on what should be done. 'It was not foreseen' the report stated ... 'that the question would present itself under so many aspects and assume such a breadth and importance.' The submissions by Dr. Guy and Dr. Mitchell had both indicated that any scheme to institutionalise weakminded offenders would assume huge proportions, in terms of the numbers to be dealt with and the cost of providing asylums for them. The Commissioners accepted Guy's argument that the cost of provision would be offset by increased public protection and a reduced cost of the Poor Laws, but they hesitated to make recommendations which would increase the taxpayer's burden. Perhaps the only positive results on the question of the habitually criminal imbecile, from the prison department's point of view, was the Commission's agreement that a serious problem existed, a conclusion which Dr. Mitchell's paper had attempted to dismiss. The Commissioner's report stated that there was no existing legislation which could be applied to this 'new class of persons', and that

54. C.L.C. q.1768.

the question of special provisions should be reserved for fuller investigation by a separate commission.⁵⁵ The rest of the report was devoted to the difficulties of providing for 'criminal lunatics' proper.

The prison doctors' characterisation of the mentally deficient as habitually criminal was a crucial factor in the failure of their proposals for greater control, because it proved to be a stereotype that was easily demolished by experts from other fields. Writers like Guy and Maudsley had created between them the phantom of the 'habitual criminal imbecile' who haunted the prisons, asylums and vagrant wards, threatening the whole of civilised society with his criminality and his degeneracy. Mental deficiency was the scapegoat for psychiatrists alarmed by the numbers of 'incurables' in their asylums and prison administrators confounded by the discovery of recidivism. Yet when it came down to it, in the evidence collected by the Commission on Criminal Lunacy, the habitual criminal could not be adequately identified as weakminded; neither could criminality be proved to be the natural instinct of the imbecile. When the Scottish advocates of community-based care of the weakminded presented their alternative experience of mental deficiency, the prison lobby's call for greater use of incarceration for the weakminded, was shelved indefinitely.

The question did not resurface for consideration until the very end of the century. In the years following the 1881 Report, the Prison Commissioners continued to complain of their burden, but were obliged to make the best of it. Provisions were made to concentrate weak-minded, epileptic and suicidal prisoners, whose sentences were longer than two months, in selected prisons. All that could be done with

55. C.L.C. Report. p.19

other weakminded offenders was to keep them in special association cells, away from the rest of the prisoners, but still within the prison.⁵⁶ In the workhouses, asylums and other local institutions, the detention of the weakminded continued unchanged.

IV

The Care of the Weakminded at the Local Level

Leading prison surgeons and administrators had perceived the mentally handicapped as a distinct category of deviance, requiring special provisions. How were mentally handicapped people treated and perceived in the rest of the institutional world; in the county asylums, workhouses and the local prisons? In the local setting of Warwickshire, it is notably difficult to trace the development of the national debate about weakmindedness. This is true even in the case of the county asylum. While it is clear from asylum case-notes that the mentally retarded had always constituted a section of the asylum population, superintendents were not required to employ rigid classificatory systems for this kind of patient. So before the establishment at the Warwick Asylum of an Idiot Asylum in a distinct building, evidence about the kinds of mentally handicapped patients admitted to the institution, or how their treatment differed from that of ordinary lunatics, is scanty. In 1861 when five 'idiots' were admitted to the county asylum, Dr. Parsey commented that 'only such idiots as are found to be unmanageable in their own homes, or union houses, are sent here'.⁵⁷ It seems that it was chiefly the most severe cases of mentally handicapped adults who were certified and sent to the asylum,

56. ^{Prison Commission} 8th Report, pp.13-14; The Departmental Committee on Prisons 1895, PP 1895. LVI., reiterated in its Report, the connection between habitual crime and degeneracy. p.48.

57. WCLA, Report for 1861 p.7.

and even then only those who appeared confused or exhibited delusions. Two of the weakminded 'criminal lunatic' cases were in fact discharged as recovered within six months of being sent to the institution, although one was described as 'still very simple' and the other as exhibiting no mental peculiarities apart from 'a certain amount of probably natural weakness'. Both these cases were women and their committal and discharge took place in the late 1870's when concern over the fertility of weakminded women was growing.⁵⁸ They indicate that county asylums were not operating to detain and confine people who were weakminded rather than insane.

Nevertheless by the late 1860's the number of severely mentally-handicapped patients at the Warwick County Asylum was interfering with the treatment of the other inmates and creating problems of classification and organisation. A justices' committee discussed in 1867 the possibility of establishing a separate asylum for the idiot patients. They concluded that no separate accommodation could be provided in the lunatic asylum and that the different treatment required for the idiots could best be carried out if all the harmless cases were removed to a new asylum.

It was estimated that in a separate establishment the cost of the mentally handicapped would be less than when they were housed at the lunatic asylum, while more room for private patients would become available in the main asylum. It was intended that the new institution which opened in 1871 would provide accommodation for the 'idiots and imbeciles from the unions and workhouses' presumably to extend to those on outdoor as well as indoor relief.⁵⁹ This would have taken

58. Criminal Lunatic case numbers 101 and 106; also **WCLA** Report for 1865.

59. **WCRO**. . . Report of Committee on the Establishment of an Asylum for Idiots, Dec. 1867 (QS 43/2)

in many of the 'weakminded' as well as the more seriously retarded. Yet, disappointingly for Dr. Parsey, only the worst cases from the workhouses were sent in, and the intention that the idiots could be trained and educated 'so that they might earn something towards their maintenance' was only partially realised. In 1873 less than half of the 91 inmates of the idiot asylum received school instruction, but nearly three-quarters of them were capable of some sort of employment, on the farm, in the laundry, knitting and sewing and at simple trades, with others fetching and carrying about the asylum. It was estimated that the work of at least half of them was of real value to the institution, but no comment is made of its value to the idiots themselves.⁶⁰

The Idiot asylum, although not administratively separate from the lunatic asylum, was self-contained with its own kitchens, two school-rooms, and own attendants' quarters. It depended on the work of inmates for its daily chores and when the idiot asylum opened some chronic lunatics were transferred there as well as idiots, to help in the 'organisation'.⁶¹ A separate casenote volume was kept between 1871 and 1884, in which the case histories of patients transferred there from the main asylum were copied up from earlier case-books, and new admissions entered. An assessment of the 'improvability' of each patient was made on entry to the idiot asylum, and the case-notes show that many of the adult inmates were given some training in the school, despite pessimism about how much they might benefit from it. Notes concerning the capabilities of patients transferred from the main asylum, indicate that prior to 1871 little attempt

60. *ibid* and *WCLA Reports for 1873 and 1875*

61. *WCLA Report for 1871; WCLA Correspondence, letter dated 17 March, 1871 (WCRO: CR 1453, Box 13)*

had been made to discover what they could do, or to increase their abilities. Although Dr. Parsey was constantly complaining in his reports that the idiots in his asylum were of the lowest type, least likely to benefit from specialised training, the casenotes show that definitions of idiocy were somewhat elastic. A young woman admitted in 1872 was described as dumb, but she understood perfectly when spoken to; another who was deaf and dumb could understand questions when written on a slate. In 1876 22 of the idiot asylum's inmates were described as dumb.⁶² Despite the presence of a large number of mentally handicapped patients at the Warwick County Asylum, the annual reports of the superintendent contain very little comment on their treatment at the Idiot Asylum. In the 1870's and 1880's asylum superintendents still saw insanity as their chief concern. Many of them had, like Parsey, trained in the era of optimism; inmates for whom they could only offer custodial care were an unfortunate necessity, but not the main business of a county asylum.

Alongside the establishment of a separate institution for the mentally handicapped inmates of the pauper asylum, plans were being set in motion for the establishment of a subscription asylum for the mentally handicapped children of families above pauper status. Preliminary meetings to launch the Midland Counties Idiot Asylum were held in 1867, when it was proposed to adopt a small private asylum at Knowle as the base for a larger institution. How did admissions and treatment at this asylum differ from the pauper institution? From the outset the committee of the Midland Counties asylum was at pains to distinguish itself from the county institution and to impress pros-

62. WCLA, Idiot Asylum Casebook, case no. 87; WCLA Report for 1876; Case no. 027 (Criminal Lunatics)

pective subscribers with the need for a custodial facility for 'middle class idiots'. It was held that good results with such cases could not be obtained in the patients' own homes; the wealthy were too indulgent and in poorer homes such children were neglected.⁶³ The asylum was not intended for the very wealthy, however, but aimed at the lower middle-classes; the first eight candidates for admission included the children of schoolmasters, a clerk, a medical practitioner, a gardener and a cab-driver. It was anticipated that parents with incomes of one or several hundred pounds a year would be able to pay part of the cost of their children's maintenance, but when a minimum sum of five shillings a week was fixed in 1873, many prospective applicants had to withdraw. One can only assume that some of these ineligible cases were forced to enter the pauper asylum, if it was impossible to care for them at home. Unlike the county asylum, the subscription asylum could reject cases considered to be 'hopeless' and any suffering from bad epilepsy. Most of the candidates for election in the early years were children and the inmates are always described as children in the reports and descriptions of the institution. Dr. Bucknill, present at the early meetings, wanted to call the institution a school, but the full title adopted in 1869 was the 'Midland Counties Middle-Class Idiot Asylum', emphasising its search for subscribers rather than the mode of treatment adopted there.⁶⁴

As with the County Idiot Asylum, relatively little detail as to the treatment of inmates appeared in the annual reports of the institution. The early reports, however, do indicate an institution which functioned more as a home than an institution. The original matron of the asylum, Miss Anne Darke was described as giving the children

63. WCRO. Reports of the Midland Counties Idiot Asylum (CR 2098/1), Preliminary meeting 11th December, 1867.

64. *ibid.* 1st Annual Report, 1869.

'a mother's care', and Dr. Fletcher, one of the founders of the asylum said that he once met her 'out with five in a cab'. Numbers at the asylum increased, however, from three in 1867 to 17 in 1869 and Miss Darke, unable to cope, retired. Her replacement, Miss Emma Stock managed the asylum well, made economies and gave the children 'the kindest possible treatment'.⁶⁵ Patients attended school taught by a governess, and also spent time playing in the garden helping with the chores, and making simple handicraft items for sale at fund-raising events. From 1874 when the asylum moved into larger premises the early impression of cosiness began to fade. The number of patients was gradually increased, so that by 1882 there were 47 inmates; 26 boys and 21 girls, although by comparison to the pauper institution, this was still a tiny asylum. The ratio of attendants to inmates was also much better than the county asylum; in 1877 there were eight attendants for the 27 inmates of Dorridge Grove, compared to a ratio of approximately one attendant to eleven inmates at the county lunatic asylum.⁶⁶ The enlarged Knowle institution, however, demanded more from inmates in terms of routine chores than had been the case in the original asylum. In 1876 a laundry was erected on the premises, in order to cut the cost of having the washing done outside the institution. The committee commented that 'besides these great advantages, the laundry will become a source of useful occupation, and a valuable aid in the training of many of the patients.' In 1883 it was reported that one boy had been discharged, having improved so much 'that he was equivalent to an attendant and was certainly worth the cost of

65. *ibid.* Committee Meeting, January 5, 1869;
2nd Annual Report 1870.

66. L. C. Report, October 2, 1877;
WCLA Report for 1882 p.12. (These figures refer to the whole of the county asylum, no separate figures for the idiot department being available.)

his maintenance to the asylum for the work he did and the assistance he gave with the other children.⁶⁷ He was an exceptional case. With the larger intake it seems that more severely handicapped cases were admitted than in earlier years. The reports of the medical officer as well as those of the Lunacy Commissioners all have a pessimistic tone, commenting that many of the cases were of a low type and capable of little mental improvement beyond conduct and habits. Part of the problem was that under the Lunacy Acts only the more seriously handicapped were certifiable as idiots. Thus 'weakmindedness' alone was not sufficient to warrant detention either at the county institution or the Midland Counties Idiot Asylum, while some parents of prospective private patients were reluctant to have their children certified as idiots.⁶⁸

The less severe forms of mental handicap then were rarely found in either the pauper or private idiot asylums. The workhouse was the more likely home of mentally retarded people who could not subsist or be supported outside an institution. Many were numbered among the harmless and chronic lunatic cases who were retained in workhouses long after the establishment of the county asylums. According to Hodgkinson's study of the workhouse insane, in 1869 when there were over 25,000 lunatics in county asylums, there were still some 11,000 cases in the workhouses, kept there primarily because it was cheaper for the guardians to provide their own insane wards than to pay for expensive asylum care.⁶⁹ Attempts to induce the guardians to send lunatics to asylums, such as the subsidy introduced in 1874 merely resulted in an influx into asylums of all the chronic cases, whose

67. Midland Counties Idiot Asylum, Report for 1876, and Report for 1882, p.13

68. Midland Counties Idiot Asylum, Report for 1888; Report of Lunacy Commissioners' Visit, 1885.

69. R. Hodgkinson, 'Provision for Pauper Lunatics' (1966) op cit. pp.146-153.

difficult nursing care could not be offloaded onto the asylum staff.⁷⁰

The Coventry workhouse was the only one in the county to contain a separate ward for the insane, but all the Warwickshire Unions retained some cases in the workhouse. Because classification was so variable, it is difficult to discover how many inmates were insane, idiot or weakminded at any one time. The Lunacy Commissioners' report for 1851, for example, stated there were 16 insane inmates in the Coventry workhouse. The census enumerators' books for the union reveal a finer classification of four lunatics, two idiots, one imbecile, five 'weakminded' and two inmates with fits. On the other hand, Warwick Union indoor relief lists of the 1860's and '70's used only the word 'insane' to denote mental defect, and the 1871 census allows the identification of 'imbeciles' only. In the list for 1866, six out of nine insane were in fact imbeciles, and in 1871 they numbered nine out of 13 insane inmates. Without the kind of detailed descriptions given in the Coventry case, however, it is not possible to ascertain whether these figures included the 'weakminded' at all. Only one of the imbecile cases listed for Warwick workhouse, could be later located in the register of the Idiot Asylum. Four cases were retained in the workhouse into the 1890's, although one of them was only twenty years old and might have benefited from the treatment at the county idiot asylum.⁷¹

Most of the mentally retarded in workhouses were probably not classified separately from the other occupants. In 1849 the Poor Law Board had expressly stated that a weakminded pauper, must either be classed as a lunatic and treated as such, or not a lunatic, and therefore requiring

70. WCLA., Superintendents' Reports 1878 and 1882.

71. Warwick Union Indoor Relief Lists, (WCRO: CR 51)
 L.C. 6th Annual Report 1851. Appx. A. p.46.
 WCLA., Casebook, (WCRO CR 1664/613)

no special treatment in the general workhouse.⁷² It seems the Lunacy Commissioners approved of this policy. Reporting in 1859, they found that a number of the 'pauper lunatics' in workhouses were weakminded rather than insane and were thus properly kept in the house. By way of example they cited the case of a woman, the sole 'lunatic' inmate of Aberayron workhouse in Wales:

'She is reported to be weakminded, and if so is properly kept in the workhouse, more especially as she has three illegitimate children. She has three times returned in a state of pregnancy, after having been discharged, or rather I believe, insisted on her discharge.' 73.

By the early 1870's, however, ideas were beginning to change. In 1871 Boards of Guardians were empowered by statute to detain paupers who gave notice to quit the workhouse for up to three days, a measure directed against people who were constantly in and out of the workhouse every few weeks or months, and a medical handbook advised doctors that weakminded persons with 'strong sexual propensities' should not be allowed to remain in the workhouse, but should be certified and removed to asylums.⁷⁴ Such advice was probably of little effect, however, in the face of the guardians' preference for workhouse over asylum provision, and the fact that many of the retarded were not strictly certifiable as lunatics. In London the Metropolitan Poor Act of 1867 provided for the establishment of two asylums at Leavesden and Caterham for over a thousand inmates each, which were to take imbeciles and idiots from the metropolitan workhouses. Even here only certifiable lunatics could be removed and it was not until 1903 that it was felt necessary to issue a special order for the transfer of children who were mentally defective but not certifiable,

72. S. & B. Webb, *English Poor Law Policy*, (1910) 1963 edition p.123

73. L. C. 12th Report (Supplement), April 1859 Appendix. p.39.

74. *Pauper Inmates Discharge and Regulation Act 1871*, S. & B. Webb, (1910) op cit. 1963 edition p.244 ;
J.T. Sabben & J.H.B. Browne, *Handbook of Law and Lunacy* (1872) p.96

to the two asylums. Outside London no similar alternative to the workhouse or lunatic asylum existed. Most of the retarded remained mixed with the ordinary inmates of workhouses, the majority of whom were themselves disabled, aged or infirm. When Poor Law officials themselves began to protest eventually about the lunatic presence in the workhouse, towards the end of the century, they could still refer to 'gibbering idiots' and 'imbeciles' who were said to cause great distress to the other inmates.⁷⁵

It was acknowledged by contemporaries that weakminded persons were useful inmates of a workhouse. Those not severely handicapped proved valuable able-bodied workers as the House became less and less like the institution envisaged in 1834 and more akin to an infirmary. In 1867 the Medical Officer of the Poor Law Board, Edward Smith, observed that able-bodied people were seldom found in workhouses during the greater part of the year and that inmates were almost solely comprised of the aged and infirm, the destitute sick, and children.⁷⁶ In such a workhouse it was often difficult to find enough able-bodied inmates to keep the house and linen clean, and the weakminded were invaluable in the laundry and domestic work, even as helpers in the care of lunatics and young children, until this latter duty was ended by a directive in 1868.⁷⁷ The Lunacy Commissioners gave their sanction to this exploitation of the weakminded in their report for 1847, commenting on their suitability for this sort of work.

75. S. & B. Webb, *English Poor Law Policy* (1910) 1963 edition, pp. 225-227

76. Poor Law Board, 20th Annual Report, 1867-68 p.43: quoted in S. & B. Webb, (1910) op cit. 1963 edition p.134

77. Dr. Edward Smith, *Dietaries for the Inmates of Workhouses*, Report to P. L. Board, PP. Sess. 1866. vol 35 p.24; S. & B. Webb, (1910) op cit p.125. draw attention to this 1868 directive.

'For the most part they are harmless, tractable and readily disposed to work; and with a little encouragement and superintendence often become extremely industrious and useful. In some of the smaller workhouses where there are few or no other able-bodied inmates, most of the garden and outdoor labour is performed by males of this description; and the females are very frequently employed in household work, in the kitchen and scullery and in the washhouse, where, being under the eye of the matron, they are active and obedient servants.' 78

Certainly the guardians would have been reluctant to lose such willing and inexpensive workers to the county asylums.

The Warwickshire evidence shows another side to this image of docile weakminded paupers in the workhouses. The mentally retarded and other handicapped people, such as the deaf who were often mistaken to be insane or deficient, did not always accept their position timidly, and as permanent workhouse inmates could be a persistent source of trouble for the authorities, which could only be passed on to the prison or asylum. The insane paupers were liable to the same rules of discipline as the able-bodied inmates, and were frequently punished or brought before the magistrates for violent or excited behaviour.⁷⁹ Paupers were often sent to prison for breaches of workhouse discipline, and nine of the Warwickshire criminal lunatics had been initially imprisoned in this way. Some of these people were mentally retarded, several others were epileptics or alcoholics who had damaged workhouse property, while an old man suffering from general paralysis was imprisoned for a similar offence. All of these were part of the amorphous group of the marginally insane who were forced into the workhouse through lack of work, food or friends to care for them. One middle-aged man was described as a congenital

78. Further Report of the Commissioners in Lunacy 1847. (P.R.O./PR104) p.258.

79. R. Hodgkinson, (1966) *op cit.* p.148; L.C. Report for 1858, p.29

imbecile, although he could read and write. Following the death of his parents he had managed to support himself by doing odd jobs. Occasionally he had to resort to the workhouse and on one such occasion he absconded without leave and stole something from a boat on the way. He was sent to prison for two and a half months, where, according to the surgeon, the solitude led to delusions and insanity. Another 'congenital imbecile' who could read and write, destroyed clothing and windows in Solihull workhouse, 'giving way to an uncontrollable temper'.⁸⁰

A return made in 1874 indicated that by far the majority of workhouse offences were committed by the vagrants who regularly passed through the casual wards, and it was widely believed that many of the vagrant population were so because they were mentally retarded.⁸¹ Certainly a large proportion of Warwickshire's criminal lunatics had been vagrant at the time of their committal, but only three vagrants were described as 'weakminded'. Unless such people gave the workhouse authorities enough trouble to lead to certification or prosecution, they were unlikely, however, to have been retained in the House, but allowed to pass on their way after completing the task-work that was demanded. David Jones has suggested that many vagrants indeed preferred to spend a longer term in prison than in the workhouse, and in winter some workhouse offences were deliberate attempts by vagrants to get to this marginally more comfortable institution.⁸²

The concern of leading prison administrators and surgeons about the weakminded offender has already been discussed in relation to its

80. Criminal Lunatic Case 112. and case 145; Warwick Board of Guardians Minutes, October 1871.

81. Return of commitments to prison from workhouses for the half-year ending 25th March 1874. PP 1875 (60) LXII 393.; W. Guy, The Factors of the Unsound Mind (1881) p.170

82. D.J.V. Jones, 'A Dead Loss to the Community' (1977) op cit.

L. Twining, Workhouses & Women's Work,

(1857)

op cit. pp 6-8

impact on official Home Office policy and the development of a stereotype of the 'habitual criminal imbecile'. Yet how were mentally handicapped offenders treated in the local prisons? Were the problems they presented in prison greater than in asylums and workhouses? References about the weakminded as prison inmates are found only from the 1860's onwards. Before that time there was no regular prison medical service, so the problem remained a hidden one, known only to the prisoners themselves and a few conscientious observers and administrators. The 1865 Prison Act laid down that each prison was to have its own doctor, who was to inspect all prisoners on entry to prison. Particular attention had to be given by the new prison doctors to the prisoners' mental health, not only because prisoners might break down under the solitude, but also because the prison authorities needed to know how many prisoners were weakminded on admission to prison, in order to defend themselves against accusations that the separate system led to mental breakdown.⁸³ Only in the convict prisons had there been any co-ordinated attempts to cope with weakminded prisoners. Initially convicts whose mental condition was recognised as rendering them unfit to undergo ordinary discipline, but who could not be transferred to asylums, were housed with invalid prisoners, first in one of the hulks, and following that, at Dartmoor. After the re-organisation of the convict prisons in 1863, weakminded prisoners were sent to Millbank for observation and from 1869 part of Parkhurst was set aside for invalid and weakminded men. Some probably also ended up at Woking prison, where male disordered convicts were sent after 1874 when it was decided they were too dangerous to be housed at Broadmoor. Weakminded women were

83. U. R. G. Henriques, 'The Rise & Decline of the Separate System' (1972) op cit. p.86.

such a tiny group out of the small number of female convicts that it was never considered necessary to provide any particular place for them, and prison matrons must have coped as best they could by modifying treatment in special cases.

Evidence concerning the treatment of weakminded prisoners in the local prisons before 1877 is hard to find, particularly in Warwickshire whose county prison was demolished in 1933, together apparently with its archives. Before regular inspection was introduced the prison chaplain was probably the official best placed to recognise mental disability. At Shrewsbury local prison the gaol chaplain kept a journal from 1856-61 in which he noted down particulars concerning 191 prisoners received into the prison. Seven of these were described by him to be of 'weak intellect', 'dull' or 'half-witted', but none was subsequently moved to the local county asylum.⁸⁴ Among the Warwick criminal lunatics from this period were several cases who had been managed within the prison as 'weakminded' prisoners before insanity was certified. Some seem to have been treated as normal prisoners, or at least, there is no mention in their case-notes that any special mitigations were made in the conditions of their sentence. Two are worth quoting. A young woman said to be weakminded on admission to gaol, was set to work in the washhouse, until she became noisy and troublesome, running screaming around the laundry yard. Another girl described by the asylum doctors as of 'deficient cranial development' and 'imbecile expression' was punished for a similar outbreak, insanity only being suspected when the punishment failed to produce any effect.⁸⁵ The picture which emerges is one in which feeble-minded

84. Shrewsbury Prison Chaplain's Journal, (Shropshire C.R.O. QS/Box 53)

85. Case Nos. 068 and 056. (Criminal Lunatics)

prisoners were subjected to normal prison discipline. Sometimes their inability to conform to that discipline was sufficient to allow a certificate of insanity and transfer to an asylum. One of the rare circumstances which did warrant a relaxation of the separate system, was that of the prisoner who became suicidal. A young woman committed for assault who developed a 'peculiar reserved manner' in gaol and talked of destroying herself, was put in the company of another prisoner and never allowed to be alone in her cell. Placing suicidal weakminded prisoners in association became such a regular practice at Millbank prison, that the authorities suspected most cases of attempted suicide there as feigned attempts by convicts trying to get out of separate confinement.⁸⁶

The question of feeble-minded prisoners was one of the topics examined by the Commission on the Penal Servitude Acts which sat from 1878-79. Opinions differed as to the nature of weak-mindedness. Dr. Henry Roome, medical superintendent of Parkhurst prison, described them as 'not insane; they are not capable of being removed to an asylum; they are not irresponsible for the acts which they commit, for the most part'. The Lady superintendent of Woking prison Mrs. Gibson put forward the opposing opinion that outside the prisons the 'halfwitted' would be called insane and treated as such, so a mentally retarded person who committed a crime, had less chance of being considered irresponsible and in need of asylum care than one who managed to subsist without falling foul of the law.⁸⁷

86. Case No. 034 (**Criminal Lunatics**)

Report of Directors of Convict Prisons for 1859. PP 1860
vol. 35 (2713) p.471.

F. Robinson, Female Life in Prison (1863)

op cit, p 239

87. Penal Servitude Acts Commission Report, PP 1878-9 XXXVII, evidence of Dr. Roome, q.7981 and Mrs. Gibson, 5982.

The Commission was concerned to collect evidence on the effect of the separate system on convicts' mental health. Dr. Campbell of Woking prison admitted that when the system had been first introduced and rigidly enforced it had a deleterious effect on the minds of the prisoners. It is likely that some of the so-called feeble-minded convicts were in fact old offenders who had served repeated sentences under the separate system, and who had been damaged by it. The Governor of Maidstone gaol believed that separate confinement could cause insanity even when no tendency had existed before imprisonment, but other governors were less enlightened. The Governor of Portland prison adduced all the insanity which occurred in the convict prisons to 'the habit of 'perpetual never-ending self-abuse' among the convicts.⁸⁸ In its conclusion the Commission found that the weak-minded created special disciplinary problems; they were subject to sudden outbursts of temper and 'strange and eccentric acts of violence'; they were a source of irritation to the ordinary prisoners and were often encouraged by them to be insubordinate and violent to the wardens. The prison authorities felt they often had to punish such offences, for the sake of maintaining discipline, which were not the full responsibility of the weak-minded themselves. Part of the problem was that the weak-minded could not be relied upon to respond rationally to the penal regime with grudging acquiescence and suppressed protests.⁸⁹ They were more likely to express their feelings openly, as the chaplain of Parkhurst prison explained:

88. *ibid.* evidence of Dr. Campbell q.7020; Maidstone Governor q.4814; Portland Governor q.2326

89. For references to the kinds of overt and suppressed protest carried on by 19th-century prison inmates see M. Ignatieff. (1978) *op cit.* pp.10, 178.

'You never know what they will do or say to you. I am very careful in my public ministrations to say nothing which will give them any cause of excitement. A man will get up and say "that is me, Sir". When I have been using our church prayer, the collect for unity, peace and concord, I have heard a man say "There is no peace here; look how I have been punished", and that man has to be removed quietly.'

90

Clearly such outbursts as these threatened to upset the balance of discipline within the prison at any time and could easily spark off more serious actions by the other prisoners. One is tempted to speculate whether the label of weakminded was not in some cases merely a label for individuals who doggedly refused to give in and accept their role as repentant sinners quietly working out their punishment. The sources, however, allow only the conclusion that people labelled as weakminded presented a perpetual problem for the prison authorities.

It was in the prisons then, more than in any other type of institution, that weakminded inmates presented most organisational and disciplinary problems. Within the convict prisons it was perhaps possible to redistribute the disordered to specially designated prisons where the discipline could be relaxed without interfering with the punishment of sane convicts, although even at Woking prison the medical officer, Dr. Campbell, complained in 1879 that the weakminded convicts were mixed with the sane throughout the prison.⁹¹

In the local prisons, where the majority of prisoners were serving short sentences of a few months or less, and the turnover was high, it would have been difficult, short of major building alterations, to provide much in the way of effective segregation. When the

90. Penal Servitude Acts Csn. PP 1878-9 XXXVII. Evidence of Chaplain of Parkhurst Prison q.8745.

91. ibid. evidence of Dr. Campbell, q. 7044

Prison Commission took over the local prisons in 1877, it could not cope with all the extra weakminded inmates, and it was from this time that the problem of how to deal with them, and the question of whether they should be in prison at all, assumed new proportions and urgency.⁹²

In the other kinds of institution examined, the weakminded presented far less of a special problem. In the asylums the mentally retarded who were so severely deficient they could not be discharged, fell into the category of chronic long term inmates. Although some of these might be useful as able-bodied workers for the institution, the chronic insane posed problems for the asylum's image as a curative institution.⁹³ The retarded, however, were less of a dilemma than the chronically mentally ill. They could at least be presented as receiving 'training' and education in the asylum, which they could not receive in any other available institution. Idiot departments and idiot wards with their emphasis on the improvement of the seriously retarded should be seen as an attempt by the asylum doctors to salvage some of their curative expertise and image, from the advance of the custodial asylum full with chronic cases. In the workhouses too, the weakminded seem to have fulfilled a need, supplying the institution with able if not always willing, workers to offset against growing numbers of non-able-bodied inmates. The weakminded had an ambiguous position in the workhouse, categorised as able-bodied, yet in reality undergoing detention in much the same way as the lunatics confined there, because of their impaired responsibility. In the asylums and workhouses such people could remain

92. Walker & McCabe, (1973) *op cit.* p.41

93. P. McCandless, 'Build! Build!: The Controversy over the Care of the Chronically insane in England 1850-70' Bull Hist. Med. 1979 vol 53 pp.553-574

largely undifferentiated from the other inmates, presenting no major problems of treatment.

This may well explain why the national debate seems to have had no noticeable effects on the attitudes of local asylum authorities in Warwickshire. Dr. Parsey, superintendent of the county asylum, had his mind already made up in 1867 when he seconded the motion to establish a private idiot asylum for idiots above the pauper class. When idiots were let loose, he stated, they were a source of much crime, degradation and mischief. In an asylum they could become useful workers but whenever he had made an attempt to send any of them back to society they had deteriorated and had to be re-admitted.⁹⁴ Yet such opinions were not reiterated in Parsey's annual reports, and his successors at the asylum, Dr. Sankey and Dr. Miller were similarly silent on the subject. From the 1880's the term 'congenital mental deficiency' appeared in the annual tabulations of types of mental disorder in admissions to the institution, but the only distinction made within the category was between patients with epilepsy and those without. In 1899 three cases who would have fitted into William Guy's characterisation of criminal imbeciles were discharged as not insane enough to warrant detention. Dr. Miller commented that one of these 'a girl who might be considered by some to belong to the type of moral insanity' was observed for several weeks but 'her actions and conduct seemed to be simply that of a cunning and crafty criminal'.⁹⁵

Some evidence has already been cited which showed the Knowle Idiot Asylum becoming more custodial and oriented towards the severest

94. Midland Counties Idiot Asylum, Report of Meeting 5.1.1869.

95. WCLA Report, 1899-1900 p.16.

cases of retardation in the 1880's. In 1880 the superintendent of the Eastern Counties Asylum for Idiots, speaking at the 13th annual meeting of the Knowle Committee and subscribers, suggested that even those cases who could be taught to work in asylums needed permanent guidance and supervision inside an institution. Hence idiots should be allowed to remain in the asylum for life.⁹⁶ Some patients did indeed remain in the Knowle asylum long past their chronological childhood; in 1882 one woman had been there helpless and infantile for nearly twenty years.⁹⁷ By the later 1880's, however, the trend had begun to be reversed; in 1889 three unimprovable cases were discharged and sent to the lunatic asylum, so that more hopeful patients could fill their places. There is no evidence that growing official concern about the need to confine the mentally handicapped more efficiently, influenced the supporters of the Idiot Asylum. All the speeches and reports on the asylum in the local newspapers emphasised the mercy of placing such people in an institution, not a positive need by society for their confinement.⁹⁸ The national debate did not even have the effect of increasing public awareness in the county of the existence of the Idiot Asylum and its constant dearth of funds. The committee found it persistently difficult to raise subscriptions and the building was always under-filled because funds were lacking for the maintenance of inmates.

96. Midland Counties Idiot Asylum, 13th Annual Meeting, 1880, Report

97. Midland Counties Idiot Asylum, newspaper cutting 'Warwickshire Institutions' c.1882 p.14
(CR2098/45).

98. e.g. Mr.S. Flavel, Mayor of Leamington, in 1883:
'Idiots at large were plagued and tormented by almost every-body', newspaper cutting from the 'Leamington Advertiser', 1883.(sic.)
(no precise date given) (WCRO., CR 2098/45)

V.

Conclusions

Increased segregation and specialised control of the mentally handicapped was far from inevitable in the latter half of the nineteenth century. Despite a concerted campaign by a body of respected 'experts' in the institutional treatment of deviance, the 'habitually criminal imbecile' was never accorded official status as a category of inmate warranting separate institutional provision. Examination of the treatment of the weakminded at the level of the local institutions shows that one reason for the prison lobby's failure to get its view accepted, was that weakminded inmates simply did not present a major problem for other institution administrations. Concern with the control of the mentally handicapped was confined in this period to a small group of scientific 'experts' and social investigators, especially those connected with the institutions where 'deviance' could be studied. 'Scientific entrepreneurs' like Guy and Maudsley did find converts among the prison controllers and asylum administrators, but the appeal of their concrete proposals for more confinement remained fixed within that small circle of professionals.

As a stereotype the image of the criminal imbecile did not entirely fade away after 1881, however. The debate had drawn sufficient attention to the 'criminal imbecile' to secure for him a place in late-Victorian perceptions of 'the criminal class'. Stedman-Jones has described the development of middle-class anxieties about the existence of a 'residuum' of all types of socially inadequate people subsisting from crime, indiscriminate charity and casual labour, and forming an especially large group in the metropolis.⁹⁹ This

99. G. Stedman Jones, Outcast London (1971) .op cit...
(1976 edition pp. 281-336)

image, fuelled by social darwinist ideas about the degeneration of the urban poor, had, by the 1880's, replaced older theories about a more specifically 'criminal' class. Beside the threat of racial degeneration and the existence of a potential 'mob', the criminality of the degenerate, which Guy and DuCane had tried hard to make into an issue, paled into third place, at most. The question of the weakminded criminal and the mentally deficient generally, became after 1881, subsumed in the broader debate concerning the degenerate poor of the residuum. The language of psychiatric darwinism had become part of the jargon of social investigators and reformers, but the debate had gone beyond merely psychiatric concerns and the frustrations of institution administrators. The tenor of Booth's 'Darkest England and The Way Out', which was published in 1890, demonstrates this change:

'... there will still remain a residuum of men and women who have, whether from heredity or custom, or hopeless demoralisation become reprobates ... There are men so incorrigibly lazy that no inducement you can offer will tempt them to work; so eaten up by vice that virtue is abhorrent to them, and so inveterately dishonest that theft is to them a master passion ... it must be recognised that he has become lunatic, morally demented, incapable of self-government, and that upon him therefore must be passed the sentence of permanent seclusion from a world in which he is not fit to be at large ... It is a crime against the race to allow those who are so inveterately depraved the freedom to wander abroad, infect their fellows, prey upon Society and to multiply their kind.' 100

During the years between the 1880 Commission on Criminal Lunacy and the Mental Deficiency Act of 1913, the eugenic arguments hinted at in the earlier debate, were increasingly brought to bear on the question of the mentally deficient. In the new discourse the locus of concern was shifted from the prisons and the habitually criminal

100. General William Booth, In Darkest England & the Way Out (1890) pp.204-5

imbecile to the workhouses and their transient weakminded inmates. Simmons has convincingly argued that it was the identification of feeble-minded women as the chief culprits in the spread of mental deficiency, which above all, secured the passage of segregative legislation for the weakminded in 1913.¹⁰¹ Here was a clear contrast with the arguments before the 1890's, which planned incarceration for chiefly male mental defectives, identified by their propensity for crime and vagrancy. The later image of mental deficiency, of feeble-minded women who passed in and out of the workhouses, leaving their illegitimate and assumedly defective children in the care of the Poor Law authorities, proved to be a far more compelling one than that of depradatory male offenders, habitual inmates of prisons.

Much of the historical writing on the development of social policy relating to mental handicap presents a picture of incremental change, in which key developments such as the work of early reformers, the increased visibility of retardation following the 1870 Education Act and the rise of eugenics as a science, finally resulted in the 1913 Mental Deficiency Act.¹⁰² What this chapter has demonstrated is that as late as the 1880's increased segregation was not an inevitable part of the process of incarceration. The evidence presented here indicates that Victorian concern with the mentally retarded grew partly out of disillusionment with the performance of asylums and prisons. This conclusion draws some support from Michael Ignatieff's analysis of the history of imprisonment. Although much of Ignatieff's book, 'A Just Measure of Pain', is concerned

101. H.G. Simmons, 'Explaining Social Policy' (1978) op cit. pp. 393-395

102. *ibid.*, and cf. K. Jones (1972) op cit. chapter 8.

with imprisonment in the first half of the nineteenth century, he points to a change in 'the tactics of social control strategy' from the 1860's, in which the prison came to be used not for reformation of offenders but for their penal 'quarantine'. The invention of the ticket-of-leave system, the creation of the category of habituals and the introduction of mugshot record-keeping, were all part of a process by which a sub-population of offenders was identified, supervised and reconfined.¹⁰³ To some extent the campaign traced in this chapter, can be seen as further indication of such a policy. DuCane was explicitly concerned to keep habitual criminals out of circulation as a preventative measure in the repression of crime.¹⁰⁴ This leaves the problem though, of the prison lobby's failure in its campaign to confine the mentally handicapped. To talk about anything so conscious as 'social control tactics' may be misleading in the context of the 1870's and 1880's. At the local level, philanthropy was still important, while general apathy was more characteristic of broader public opinion. The wrongful confinement of the sane commanded more interest in that respect, than did the plans of scientific entrepreneurs to make confinement more effective and wide-ranging.¹⁰⁵ That the reformation of criminals and the cure of lunacy had given place to penal quarantine and custodialism need not signify any conscious change. The rationale and justification for the prison and asylum systems all too easily became lost in the monolithic aspect of the institution's presence in society. Only to those administrators whose job it was to confine the insane and offenders, was it of importance that their task was difficult or their rôle paradoxical. The case of mental deficiency demonstrates

103. M. Ignatieff (1978) op cit. p.204.

104. P.R.O./H045/71439

105. P. McCandless, 'Liberty and Lunacy: The Victorians and wrongful confinement'. J.S.H. vol 11 (1978) p.369.

that too much division existed among these 'experts' to allow any one group to dictate changes in the use of incarceration, although the Prison Department certainly tried. Only the broadening of the debates about feeble-mindedness and the causes of social deviancy outside their institutional setting, which took place as the eugenics movement gathered steam in the 1890's, would bring about deliberate extensions of the custodial system and a more conscious discussion of the ideology of segregation.

CHAPTER NINE: INMATES, THE STATE AND SOCIAL HISTORIANS:
SOME CONCLUSIONS

I

'From the bodily and mental infirmities which fill the asylums for the blind, the deaf and dumb, the imbecile and the lunatic and the hospitals for the sick; and that also supply the workhouses with a large proportion of their inmates, it is no difficult transition to the moral infirmities which provide the inmates of prisons. Recent anthropometrical investigations moreover clearly prove that the criminal classes suffer from distinct physical deficiencies.'

1881 Census, General Report Vol IV p.72

By the last quarter of the nineteenth century, the optimism which had accompanied the introduction of the separate system and the establishment of county asylums for the insane poor, had largely dissolved. It had been replaced by a pessimistic theory of deviance which rested on the influence of heredity in producing criminal tendencies, mental illness or deficiency, and physical as well as moral deviation. Two works written in the late 1970's still very much set the questions for any study of these developments.

Andrew Scull's writings on the rise of the county asylum system emphasise the degree of continuity between the reforming ethos of the first half of the nineteenth century and the custodial 'museums of madness' which developed once the system had been established. Scull demonstrates how from the outset, choosing the total institution as the setting for the moral treatment of insanity set the pattern for a system resting on confinement rather than individualised treatment:

The consistent structural limitations of the total institution operated from the asylum's earliest years to reduce its ostensible clients to the level of cogs to be machined and oiled till they contributed to the smooth running of the vast apparatus. ¹

1. A. Scull, 'Madness and Segregative Control' (1977) op cit. p.347

Scull links his account of the segregation of the insane in lunatic asylums, to an analysis on the more general level of deviance and its control in modern society. The careful differentiation of different sorts of deviance, the treatment of many types of deviance in institutions segregated from the surrounding community and the substantial involvement of the state, are the three key features which Scull sees as distinguishing modern deviance control from earlier methods.² Of similar impact, but based on the history of a different institution, has been Michael Ignatieff's account of the rise of the penitentiary prison system. Here Ignatieff sees change rather than continuity in the developments of the later nineteenth century, when imprisonment came to be used not for reformation of offenders, as in the early penitentiary, but for their penal 'quarantine'. Thus his assessment of the later history of reform, like Scull's, emphasises the importance of segregation, identification and supervision of deviants and the central role of the State in the control systems of the latter part of the century.³

The study presented here of the establishment and workings of different forms of incarceration in late-Victorian Warwickshire indicates that some of the assumptions about the trajectory of incarceration in this period fall wide of the mark. Undoubtedly State involvement was decisive in funding institutions and setting the legislative seal on the formalities of committal that delineated a population of prospective 'clients' for each type of treatment. The experience of privately-initiated and funded forms of institution in Warwickshire was characterised by financial insecurity,

2. *ibid* p.337

3. M. Ignatieff, (1978) *op cit.* p.204.

with the result that establishments remained small, unable to fulfill the aspirations of their founders. The 'Middle-Class Idiot Asylum' at Knowle and the (penitentiary for prostitutes in Leamington) would not have grown to the unmanageable proportions of the public institutions, but neither was deliberately designed as a small home. In order to become institutions rather than simply 'homes', some form of public funding, either from the rates or the Treasury was essential.

The State as incarcerator, however, remains an elusive concept.

In mid-century Warwickshire it was the 'local State', the magistracy, which exerted most influence on the shape of institutional provision. As time progressed and central Government extended its inspectorate and controlling functions, the influence of Quarter Sessions receded but the magistracy, together with the Boards of Guardians, remained central authorities in the labelling and disposal of deviants. This local State has been shown to have been less influenced by new ideas on the control of poverty and deviance than is consistent with the crude revisionist perspective. Scull has commented on the slowness with which local magistrates and parish officials were converted to the new perception of insanity as a disease requiring humane treatment, and their resistance to the idea of the public asylum before 1845.⁴ The debates which took place in Warwickshire Quarter

Sessions meetings in the 1840's indicate a similar degree of cynicism persisted also over the value of new modes of punishing and reforming criminals. Although part of the opposition to the introduction of separate confinement in Warwickshire's prisons was inevitably fuelled by financial considerations, the fight for its introduction demonstrates the sort of divisions which could exist within local

4. A. Scull, Museums of Madness (1979) op cit. pp. 84-86, 114

government. In the 1840's and early 1850's energetic modern-thinking magistrates like Charles Bracebridge and W. H. Leigh, vied with equally energetic traditionalists like Newdegate, for the support of the lethargic majority among county justices. The eventual outcome was a compromise. The new institutions were built as local authorities capitulated to pressure from national Government, but the principle of economy which reigned supreme in the minds of the majority of justices and Poor Law officials, played an enormous part in shaping daily life in the public institutions.

This was evident especially in the organisation of inmate labour. In ensuring that inmates of prisons, workhouses and asylums did work which was of remunerative value to the institution, local administrations were simply putting into practise a generally-held opinion that those who were maintained at the public expense ought to earn their keep as far as possible. This application of the Protestant ethic in the case of the incarcerated led, however, to a general perversion of the curative or reformatory propensities that were attributed to inmate labour in the ideologies of both moral treatment and penitentiary punishment. Because it was unthinkable to the Victorian mind that even an idiot should be allowed to remain idle, inmates not capable of the more interesting institutional pursuits such as helping the artisans, or being coaxed out of 'imbecility' in asylum schoolrooms, spent much of their day scrubbing floors, picking mattresses or sewing uniforms. Those not capable of any of these things were left to sit staring into space, even at the Knowle institution with its high staff to patient ratio and non-pauper patients.⁵

5. **Midland Counties Idiot Asylum**, Report of Lunacy Commissioners' visit 1885. (WCRO, CR 2098)

In the local prisons of Warwickshire, associated labour persisted until the 1860's; the 'penitentiary' did not arrive in the county until the new prison was opened in 1861, by which time the emphasis of solitary confinement and prison labour was on deterrence rather than reformation of the prisoner. Yet the local authorities continued to show a keen interest in making prisoners' work as remunerative as possible, and when national Government under the DuCane regime standardised a deterrent system, the use value of prison labour remained important.⁶

The Warwickshire county magistracy then was never a united body in its thinking on how local systems for the control of deviance should be run, and generally lagged behind national Government policy. By the late 1860's though, when the Knowle subscription asylum was established, the institutional solution for deviance had become well-accepted. The replacement of private, local and charitable responses to deviance by a network of publicly-funded and centrally-directed institutions had been a far more difficult process of dialogue and confrontation than is generally implied by visions of the nineteenth-century as the 'age of incarcerations'.⁷ Yet by the 1880's a local and national network of carcerative institutions was in existence. The links between institutions were real in terms of everyday practise, in which inmates travelled along pathways of transferral from one institution to another, and this study has suggested that it was these personal linkages which made incarceration a unified 'system', rather than any underlying rationale behind the establishment of

6. R. P. Dobash, 'Labour and Discipline in Scottish and English Prisons: Moral Correction, Punishment and Useful Toil.' Sociology vol 17 No.1. February 1983, supports these findings that labour within the separate system was important in economic terms as well as for the primary aim of moral and social training.

7. S. Cohen, 'The Punitive City: Notes on the Dispersal of Social Control', Contemporary Crises vol 3 (1979) pp 341-2, refers to 'the "Great Incarcerations" of the nineteenth century'.

institutions and the use of incarceration. In this day-to-day process of institutional practice, the labelling of inmates as sane or insane, fit for punishment or unfit, the medical profession gained a central role as experts in identifying types of deviance. It is not therefore surprising that a medical model of deviance gained increasing acceptance as the century progressed. The failure of early expectations that insanity would diminish and offenders be either reformed or deterred left asylum superintendents and prison administrators disillusioned and searching for an explanation. The administrative network which grew up around committal and transferral of inmates from one institution to another, provided the means for identifying individuals, whose case-notes travelled with them, allowing previous convictions, illnesses and family traits to be recorded. As the group of experts most closely involved with assessing inmates inside the institutional network, doctors brought their own world view to bear in explanations of recidivism.

II

On the face of it, the growth of the pessimistic theory of deviance accords well with the 'segregative control' thesis espoused by both Scull and Ignatieff. Scull sees the segregation of the insane from other institutional populations as in part a consequence of the adoption of the workhouse. The institutionalisation of the poor exacerbated the problems of managing lunatic paupers. Changing perceptions of insanity, themselves engendered by the same changes in social structure which had given rise to the workhouse, gave rise to a group of 'moral managers' who laid claim to the treatment of the insane in asylums. With such origins, the county asylum system,

despite its veneer of moral treatment, had in Scull's analysis an underlying rationale similar to that of the New Poor Law; 'the isolation of those marginal elements in the population who could not or would not conform, or could not subsist in an industrial largely laissez-faire society.'⁸

With such a purpose, definitions of lunacy could be wide-ranging;

'the boundaries of mental illness were stretched to encompass all manner of decrepit, socially inept and incompetent, and superfluous people, as well as victims of a whole spectrum of pathologies later assigned to a different ontological status (that of 'real' physical illness)'.⁹

This is in fact exactly what was happening in the last quarter of the century when theorists like William Guy and Henry Maudsley began to argue their degeneration thesis. Yet their attempts to extend the boundaries of mental illness come far too late to fit in with Scull's analysis, which claims that lunatic asylums were from the outset taking in all these categories of people subsisting on the margins of society. If that was so, the Prison Department's campaign during the 1870's to confine the 'weakminded' would have been superfluous. Insane asylums were not performing the function of isolating 'superfluous people' and 'marginal elements' at all well. The implication was that such people were at large and continually falling foul of the authorities. William Guy's stereotype of the criminally-disposed mental defective and Arthur Mitchell's alternative picture of half-starved village fools would both fit into Scull's boundaries of mental disturbance. Yet in 1880 experts believed that these people were not being sent to asylums but were found more frequently in prisons and workhouses. When confined in institutions.

8. A. Scull, (1977) *op cit* p.348

9. A. Scull, Museums of Madness (1979) *op cit.* p.256

the mentally-handicapped were claimed to be out of place among other inmates, as difficult to manage perhaps as were the lunatic inmates of the post-1834 workhouses. Yet as Chapters seven and eight demonstrate, growing support for the 'born-criminal' theorists resulted in no further segregation of this new category of deviant until the question resurfaced in a different form three decades later.¹⁰

This study has shown that while some of the 'experts' of the 1870's and 80's believed that institutions should be used to contain and control the marginally insane, others were firmly opposed to the idea of further segregation. Advocates of a community-based alternative such as that practised in Scotland, pointed out that incarcerating the mentally retarded would entail a widening of the boundaries of lunacy and an extension of the criteria for depriving an individual of his or her liberty. Reluctance to extend these criteria was deepseated. An important disincentive to magistrates to certify mentally disordered offenders was that certification as a criminal lunatic would amount to handing out an indeterminate sentence and conflicted with a belief that sentencing should be in 'just proportion' to the gravity of the crime. The treatment of mentally-disordered offenders in Warwickshire indicates the great divergence that existed between developing criminological theories and the everyday practice of police and magistrates in the control of deviance and crime. In practise it was easier and cheaper to deal

10. J. Ryan & F. Thomas, The Politics of Mental Handicap . (1980) Chapter 5. The authors point out how it was not until society was held to be in need of protection from idiocy that segregation took place; as long as specialised care was advocated as being in the interest of the mentally handicapped themselves, it was applied only to a minority of cases. p.106.

with a criminal or pauper case in the short-term by using prison and workhouse facilities, than to stretch the boundaries of lunacy and make wide use of asylum incarceration for the control of deviants whose mental capacity was equivocal.

The characteristics of institutional populations further attest to a general lack of concern with identification and segregation of different categories of deviants. Most asylum cases were admitted from home, and only among the handful of criminal cases could clear examples of lifestyles on the margins of acceptability be found. Asylum entrants tended to be drawn from the higher-income groups among the working and lower middle-classes; artisans, clerks, teachers and shopkeepers, as well as from the lowest income groups and less secure occupational categories. In this respect the asylum population differed from the populations of prisons and workhouses, which were overwhelmingly comprised of the poor.

In cases where asylum entrants were epileptic or congenitally retarded and had never been able to support themselves, the evidence of the case-histories indicates that the asylum was a last rather than a first resort. What seems to have been at issue in such cases in determining how long an individual stayed outside an asylum was his or her family's ability to care for them, in financial as well as practical terms, rather than any unwillingness to do so.¹¹ As a corollary, social isolation in late Victorian society rendered a person particularly susceptible to entry to all types of institution.

11. Walton's study of asylum entrants in Lancashire similarly indicated that the burden of insanity was not so readily passed on to the asylum as Scull's account suggests. J. Walton, 'Lunacy in the Industrial Revolution', (1979) op cit. p11.

III

It would appear then that the segregation thesis is not substantiated by an assessment of incarceration at the local level in the later nineteenth century. The lunatic asylum was not Victorian society's way of ridding itself of all kinds of disorderly paupers, vagrants and wandering lunatics who hung about urban streets or subsisted by begging from place to place, to terrorise and affront the sensibilities of the respectable and corrupt the morals of the honest poor. The control of these so-called marginal elements was still left largely to the more temporary and ineffective confinement of workhouse and prison. These institutions were notorious for their failure to sift out the insane and mentally handicapped from other inmates for transfer to asylums or special treatment. The segregation of lunatics was far from complete, while campaigns for the incarceration of further categories of socially inept and deviant fell on deaf ears in the last quarter of the century.

Such findings imply that the role of social control may have been overstated in explaining the function of incarceration in Victorian society. Current thinking on the theme of incarceration has begun to acknowledge that the notion of social control has tended too much towards polemic and that careful reconsideration is needed to re-integrate elements of the theory into a more balanced assessment. As a contribution to this process Michael Ignatieff has suggested that the centrality of the State and its arrangements for the maintenance of public order - the police and the public institutions - may have been exaggerated. He proposes instead the idea of a more diffuse distribution of the powers of norm enforcement throughout

civil society; within the family, the neighbourhood, and the workplace. In this view, which emphasises a system based on socialization rather than social control, the public institution represents only one sector of the distribution of the powers of norm enforcement.¹² This position is important because it amounts to little short of a complete turnabout from Ignatieff's earlier revisionist history of the penitentiary:

Instead of looking for some hidden function which prisons actually succeed in discharging, we ought to work free of such functionalist assumptions altogether and begin to think of society in much more dynamic and historical terms, as being ordered by institutions like the prisons which fail their constituencies and which limp along because no alternative can be found or because conflict over alternatives is too great to be mediated into compromise. 13.

In this analysis, institutions are not required to 'work' in the discharge of whatever functions contribute to the maintenance of social order; this fits conveniently within current findings that prisons, workhouses and asylums rarely did reform, deter or segregate efficiently. However, Ignatieff extends the analysis even further, suggesting that the theory of social control over-emphasised the importance of the State's punitive power in the maintenance of exploitative and unequal social relations. Thus submission to the wage bargain in capitalist society can be traced as well to the 'intrinsic satisfaction' people derive from such things as the sociability of labour, the skill acquired and the pride they take in their work. All this is notwithstanding the acknowledged fact that wage labour may be carried out in 'objectively exploitative, underpaid, and unhealthy conditions'.¹⁴ This turnabout is a perplexing one. If the

12. M. Ignatieff, 'State, Civil Society and Total Institutions: a critique of recent social histories of punishment', in M. Tomry & N. Morris (Eds.), Crime and Justice: An Annual Review of Research vol.3 1981 pp.176, 185-187

13. *ibid*, p.181

14. *ibid*, p.182

centrality of State power and sanction is to be stripped from the concept of the wage bargain, what implication does such a re-assessment hold for the interpretation of incarceration in the late nineteenth century, or for that matter, at any time since then?

It would seem pertinent to point out that the only alternative to submission to the unequal bargain of exploitative wage labour in Victorian England was to lay oneself open to the threat of incarceration. It is true, as Ignatieff suggests, that social historians have as yet uncovered few of the patterns of norm enforcement in Victorian society that mediated the treatment of the 'dark figure' of crime, poverty, mental illness and other forms of 'deviant' behaviour, outside the realm of State definitions of deviancy and the operation of State power. Yet if public institutions were less than central to the reproduction of societal norms, they nevertheless played the central role in the lives of persons who were sent to them.

The raw material of individual lives that is contained in institution case records should serve as a reminder that "the State's carceral power" was real for those people subjected to it.¹⁵ To illustrate this point, the most compelling evidence contained in institutional records is that which concerns the inmate's personal resistance to the regime of the institution. At the Warwick Asylum, for example, the 1860's was a difficult time for internal discipline. Overcrowding was beginning to be a problem and there is evidence, both in the case-histories and the annual reports, that all was not well.

15. See for example R. Jack, 'Biography of a lost life', New Society 16th July 1981 pp.103-104, which retells the case history of a man who spent 71 years of his life in the Royal Eastern Counties Idiot Asylum.

In 1865 it was reported that over half of the female patients had been refusing food with the aim of starving themselves to death:

A suicidal propensity ... more particularly characterised the female admissions, in more than half of whom it has been evinced; and in many of them in a very determined manner, refusal of food being the chief mode adopted for effecting their object ... in no other year since the asylum has been open has this condition been the source of such continuous solicitude. It has I am glad to say been in every case combated without having recourse to ... the stomach pump. 16

It is of course difficult to say how far this can be interpreted as a 'protest' by patients or, as the superintendent preferred, merely a 'suicidal propensity' among a few patients which was then imitated by others. Yet a regular diet was one of the asylum's chief 'curative' tools besides occupation, and refusal to eat could be seen as a direct affront to the establishment's operations - if a patient committed suicide while the asylum staff were responsible for keeping them alive this was a major triumph for the individual over the institution. One female criminal lunatic who gave the asylum authorities a great deal of trouble was R. L., who was in the asylum 1860-63. Her case history indicates the numerous ways in which she fought the asylum regime when she learned that she was not to be liberated on the expiry of her sentence for assault. This included tearing her clothes to pieces, 'making a filthy mess in the gallery' with her own excrement, refusing to work and in particular refusing food.

... the afternoon of 26th March (1861) after the committee had passed through the ward, when she commenced fighting with other patients and making use of language base to the extreme and threats appalling, repeatedly calling God to witness that she never again would taste 'lunatic food' and that if she could not have her liberty she would die

from starvation frequently stating she intends to commit suicide to spite the officers of the asylum. On one occasion attempted to cut her throat 17

R.L. never achieved her aim of suicide while at Warwick Asylum but her case demonstrates that starvation could be purposeful in terms of the inmates' personal struggle against the asylum. In an earlier chapter we quoted the occurrence of a riot in the ward staged by two criminal patients in 1862, when stones were thrown at the visiting justices as they made their round of inspection. On other occasions the justices were sworn at by patients or pestered by inmates trying to complain about their treatment. The picture presented is very much of an asylum in which there always ran an undercurrent of inmate resistance. Ex-criminal patients may have been the most vociferous and determined in their opposition, but such individual acts as refusal of food could be carried out by any kind of inmate, even if only for a few days. When carried out by large numbers of them, whether in imitation or conspiracy, such action represented a major challenge to the institution's regime.¹⁸

The inmates of asylums certainly shared with other incarcerated people a common set of 'strategies' with which as individuals and sometimes collectively they attempted to resist the dominance of the institution. The details of such incidents only rarely made their way into official documents. One such occurred when an inmate of the Warwick Union workhouse had the temerity to complain over

17. Case 019 (Criminal Lunatic)

18. Much has been written over the past two decades concerning the response of locked-in people to their environment and the strategies adopted by prisoners, mental patients and others to maintain the self-identity and self-respect needed to survive psychologically in the closed institution: E. Goffman, Asylums (1961) *op cit.* remains the classic exposition of this theme. For more recent assessments of inmate 'strategies' see also S. Cohen and L. Taylor, Psychological Survival: the experience of long-term imprisonment (1972), and M. Fitzgerald, Prisoners in Revolt (1977) pp.119-20

the heads of the Guardians to the Poor Law Board itself.

William Billingham, a deaf and partially crippled brickmaker, wrote letters to the Board in 1867 and again in 1871 complaining about conditions in the House and his treatment by the workhouse master and porter.¹⁹ Billingham had a wife and child in Leamington and apparently went into the workhouse because of his paralysed legs. His complaints in 1867 were directed at the unfit food paupers were given, but in subsequent letters it appears he was given cold baths, shut in the refractory ward when not able to work, given insufficient clothing and beaten by the porter when he was too weak to get out of bed. What is most telling about his case, however, is that he was able to get 21 of the other old and infirm inmates of his ward to sign his letter of October 1871, some of whom were later at the centre of accusations against the porter and workhouse master for brutality in 1874. So it is evident that Warwick Union workhouse had an undercurrent of protest for nearly a decade, which was not simply the work of one 'troublemaker'.²⁰ This type of protest was not confined merely to letter-writing. In a letter to the Poor Law Board, Billingham explains that when sent to prison for complaining about his lack of medical treatment in the workhouse, his first action was to tear up the workhouse uniform; 'I did not want them, I had clothes of my own and when I got to prison I tore them up as far as I was able'. Thus so-called 'refractory' behaviour, the kind often practised by tramps trying to get from workhouse to prison, becomes in this case an extension of other methods of opposing the

19. Warwick Union, Guardians Minutes, August 24, September 11 & September 20, 1867 and October 1871; P.R.O. MH/12/13538 and 13540.

20. Leamington Courier June 27, 1874.

workhouse regime. It is clear that such action by institution inmates did follow set patterns and was similar among different categories of inmate and institutions. Inmates such as Billingham, trying to involve others in their complaints against the institution and the young girl in Chilvers Coten workhouse who 'set others at defiance', helped to maintain resistance to the imposition of institution rules.²¹

Case records of institutionalised people can tell the historian much about the attitudes of inmates to their predicament. They also reveal some of the attitudes of relatives and of the wider society. They could thus form a valuable starting point for the study of alternative forms of sanctioning and dispute regulations which Ignatieff advocates. From asylum records it is clear that inmates' relatives generally accepted the legitimacy of the mental hospital. A poacher's sister wrote to the superintendent of the Warwick Asylum in 1862, when she learned her brother had become a criminal lunatic, asking when he could come home;

as I have very much fretted about him and weather
he will soon be able to cum home as the Docter
at the Gale thought a fortnight would set him
up. [sic].

Her brother's faith in medical judgement was less complete; he was one of the two men who threw stones at the visiting justices.²²

21. Case 064 [Criminal Lunatic] Studies of pauper offences suggest that the aim of getting into prison was pertinent only to the vagrant inmates. Punishments in the Foleshill workhouse from 1864-1900 were frequently for offences against the institutional routine of the House, such as wearing the uniform, coming at a particular time for meals, the separation of families and so on: S. Luke, 'Workhouse Discipline', B.A. Dissertation, (Law Dept. Warwick 1977); In a parliamentary return on workhouse offences in 1874 over a fifth of pauper offences (excluding vagrants) were absconding from the workhouse, a further 17% for refusing to work and 11% for disorderly conduct: Return of Commitments to Prison from Workhouses. Half-year ending 25-3-1874 PP 1875 (60) LXII 393.

22. Case 022 [Criminal Lunatic]

Instances frequently occur of relatives of patients 'betraying' them by refusing to answer letters or in at least two cases refusing to reprieve a better-off patient from his pauper status by paying private fees. The father of a butcher from Dorset who was convicted of stealing in Warwick, wrote to the Governor of the gaol on receiving a letter from his son and a note that he was under observation for insanity.

I am exceedingly vexed to hear of the state of my poor unfortunate son ... I should feel very greatly obliged if you would inform me when his imprisonment ends and the doctors' opinion of his state ... I fear his mind is not capable of understanding. I should have liked to answer his letter. 23

One case taken from letters written by the wife of an inmate who had recently been discharged home, demonstrates how wrong it would be to underestimate the positive role played by asylum facilities in liberating the relatives of the insane, from intolerable problems. The letters paint a terrifying picture:

I had built up great hopes that my husband would be alright. Can you help me in any way to get him back to Hatton ... I wrote to you about three weeks ago and he destroyed the letter before it got to the post ... my eldest child has to barricade her bedroom door, he says he shall never be any good as long as (that article) is about (his own child). I suppose sir you could not send for him, I cannot bear it or I must go to the police court to take him ... I dare not try to bring him, I'm afraid to receive an answer from you even ... 24

The fear of mental disturbance leading to violence in extreme cases was a powerful incentive for families to accept the asylum as the only alternative to keeping a mentally ill member at home.

In this sense the asylum should perhaps be treated as a special case among institutions, in that it undoubtedly served to fulfill a need among the families of mentally ill persons, that was not simply a

23. Case 074 [Criminal Lunatic]

24. WCLA., Letter dated November 26th 1908. In casebook CR1664/652 opposite page dated June 7, 1883.

case of new intolerance of bizarre behaviour, but which had always been there. Nonetheless the feelings of incarcerated people who had no choice in the matter were real enough. Incarceration played a part in the world-view of the Victorian working-class, who were more likely than any other group to become inmates; as such it was a common feature of inmates' delusions noted in asylum case-books. An ordinary female patient admitted to Warwick asylum in 1884, for example, was afraid that Lord Norton would send her to penal servitude, although she had committed no offence. Another woman admitted in 1862 believed that 'her husband and family were all ruined and they must all go to the workhouse'. She refused her meals at first, in the asylum, saying that 'things were not paid for'.²⁵ If punitive power was indeed diffused throughout civil society, as Ignatieff has suggested, then such people knew they had less of it than others.

IV

The evidence presented by institution case-records points up the realities of life inside the Victorian total institution. The problem for social historians currently trying to escape from the excesses of a focus on social control in evaluating the role of incarceration, is how to do so without denying the validity of the experiences of thousands of Victorian inmates. It is clear that we should be more cautious in making assumptions about the real

25. Cases 3590 and 187 Lunatic Admissions. These 'delusions' seem meaningful in the context of confinement, but for a further discussion of the value of 'delusions' in the past see J. C. Burnham, 'Psychotic delusions as a key to Historical Cultures: Tasmania 1830-1940' J.S.H. Spring 1980.

extent of methods of segregative control, and the efficiency of nineteenth-century institutions in terms of protecting society from unwanted deviants. Yet the institution nevertheless played a central part in the world-view of a large section of the poor, which should not be under-estimated. The way forward would seem to be further research intent on discovering the nature of the relationship between the institution-prone and the State in its local manifestations. We still do not know enough about the influence of such intermediaries as Relieving Officers of the Poor, the police or the local elites on the socialization process which Ignatieff suggests should be given greater attention. Institution records remain a rich source of individual case-histories, which could demonstrate personal experience both inside and outside institutions, if individuals were followed through subsequent admissions. The present study and others have made use of case-records to extend analyses drawn from more conventional sources, but their full potential is still to be exploited.²⁶ If historians are to investigate all the gradations of norm enforcement ranging from the family, the workplace, and the community, to discover how far the institution represented the ultimate sanction in this continuum, then new directions using such sources will have to be taken.

26. See the discussion, for example, in Bill Luckin, 'Towards a social history of institutionalisation', Social History vol 8 No. 1 Jan 1983, in which Luckin advocates a 'recovery of the consciousness of those who were deprived of many of their basic human rights in long-stay punitive and "therapeutic" institutions'.

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